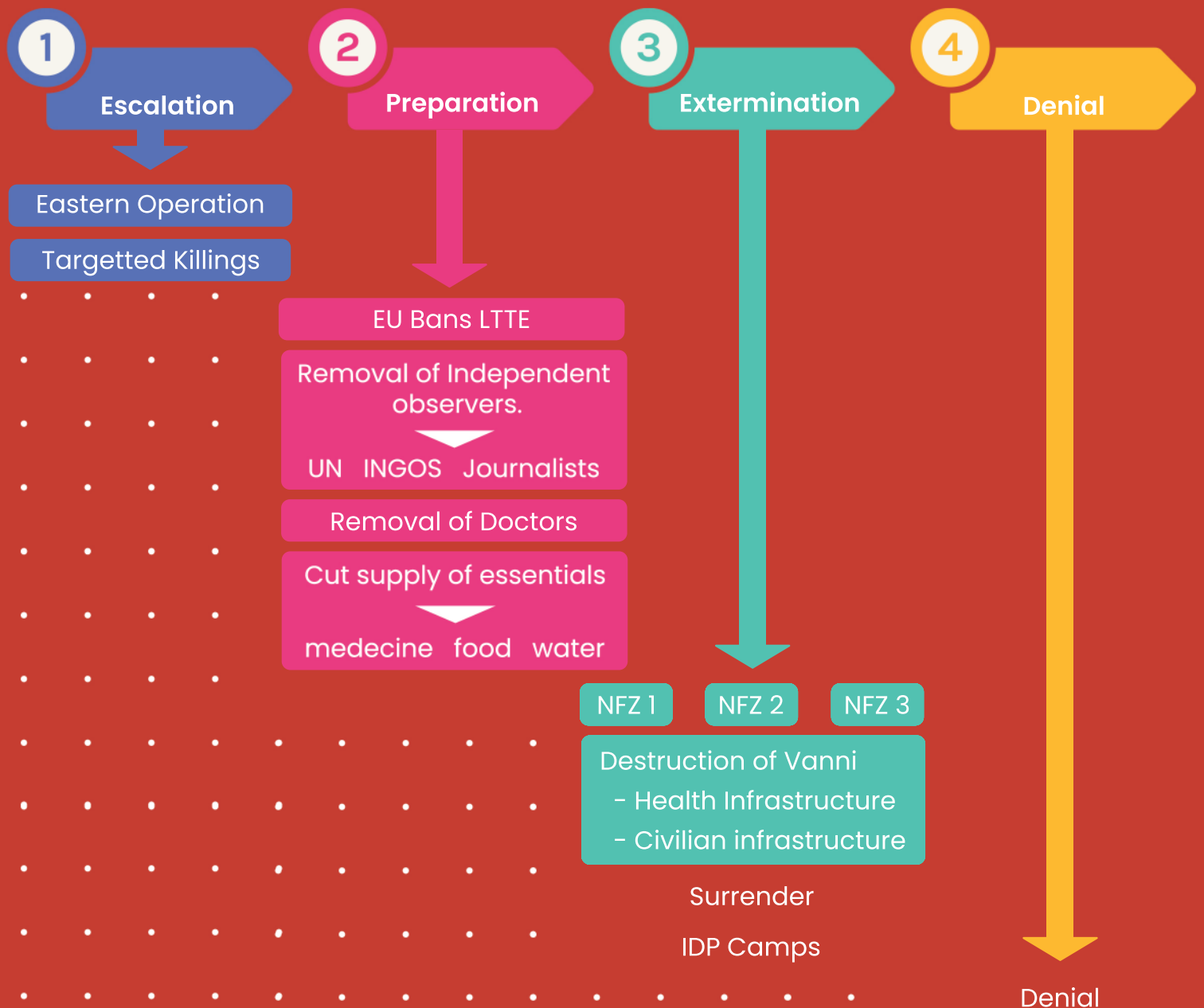


Justice for Sri Lanka's Genocide Against Tamils

Stopping Sri Lanka's Impunity and Respecting Tamil's Self-Determination.



Extracts From The Documents

“This memorandum examines the legal claim that the Sri Lankan State committed genocide against the Tamil population, focusing on the four-year period from May 2006 to May 2010, set in the general post-1948 historical context of Sinhala-Tamil ethnic tensions normalized by decades of majority-Sinhala rule in the democratic Sri Lankan state.” More details in the preliminary report - **A Legal Model for Tamil Genocide in Sri Lanka**

“This legal briefing paper proves that Sri Lanka is responsible for genocide against the Tamil people during the final stages of the war in 2009. Specifically, it explains how Sri Lanka is responsible for three of the five genocidal acts enumerated in the Genocide Convention-killing, causing serious harm, and deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in part-committed with genocidal intent, which is the intent to destroy, in part, the Tamil people, as such. The targeted “part” were the Tamils in the Vanni.” - A summary of the report - **Justice for Genocide: Sri Lanka’s Responsibility for Genocide against the Tamil People in 2009 - Executive Summary**

“The House of Representatives-

- (1) urges the United States to strengthen diplomatic channels with the Eelam Tamils and collaborate toward peace and stability in the South Asian region of the Indo-Pacific;
- (2) urges the United States and the international community to advocate for and protect the political rights of the Eelam Tamil people and work toward a permanent political solution based on their right to self-determination that is democratically and peacefully approved by them through a universally accepted process of independence referendum; and
- (3) recognizes the genocide against the Eelam Tamil people by Sri Lanka.” USA Congress House Resolution Introduced in 2024 - **118TH CONGRESS 2nd Session H. RES. 1230**

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A Legal Model for Tamil Genocide in Sri Lanka

Introduction

1. The Mullivaikkal massacre stands as the largest mass ethnic killing against Tamils committed by the Sri Lankan State since the end of British rule on the island in 1948. The dead body count of Tamils from Mullivaikkal massacre is estimated to be around 140,000, over 47 times the 3,000 Tamils killed during a one month genocidal pogrom of Black July in 1983.
2. Like Nazi Germany under Hitler, Rwanda under Habyarimana, or Bosnia under Karadzic, the Rajapakse administration in Sri Lanka demonstrated once again how a democracy under ethnic majority rule can commit genocide in the fog of war. The suffering and fate of Tamils as an ethnic group in the villages of the Vanni Region in 2009 is analogous to Jews in Auschwitz, Tutsi in Kigali, and Bosnian Muslims in Srebrenica. The similarity of the Mullivaikkal massacre to genocides in Nazi Germany, Rwanda, and Srebrenica crystallizes once (a) the fog of war and counterterrorism policy is lifted; (b) the role of Sri Lankan disinformation is neutralized; (c) the evidence gap from the absence of in-country UN investigations is offset; and (d) and the holistic, analytical lens of systematic group targeting of one ethnic group is applied to Sri Lankan military and non-military conduct during the relevant time period. The aforementioned elements of analysis in (a)-(d), necessary to objectively evaluate if Tamil genocide occurred, are generally absent in UN/INGO human rights reports on Sri Lanka since 2009, including the Secretary-General's Panel of Experts on Accountability in Sri Lanka ("POE") (2011) and the OCHR Investigation on Sri Lanka ("OISL") (2015).
3. Applying a holistic analytical lens that focuses on primary source evidence from a broader 4-year timeline between May 2006-May 2010 illuminates clear patterns of ethnic group targeting of all Tamils in the Vanni Region by the Sri Lankan State via majority-Sinhala infantry divisions. Leading up to the January-May 18 2009 period, Sri Lanka removed independent observers from the conflict region; used disinformation and artillery shelling to herd ~450,000 Tamils into three, progressively smaller, enclosed spaces called "No-Fire-Zones" (NFZ), declared one after the other; systematically bombed roads, hospitals, and ambulances day and night; cut supply lines of medicine and food into the NFZs; and used wide-area effect munitions on Tamil civilian clusters that formed as each NFZ reached maximum high-population density. Sri Lanka targeted population clusters of Tamil civilians and the life-sustaining infrastructure they relied on repeatedly in a feedback loop inside each NFZ, killing around 140,000 Tamils by May 18, 2009.
4. After May 18, 2009, no international observers monitored the human rights compliance of the Sri Lankan Army ("SLA") as thousands of Tamils that the SLA had been attacking for five months moved from LTTE-controlled territories in NFZ-3 into SLA custody near the Nandhi Kadal/Mullivaikkal area. Tamils were resettled in a network of IDP camps centralized in Manik Farm, where Sri Lanka continued to kill Tamils through abduction, enforced disappearance, and denial of medical treatment.
5. Between January-May 2009, the Sri Lankan State exterminated about ~35% of the Tamil population in the Vanni Region - an average kill rate of 1000 Tamils/day - through direct lethal measures (artillery shells, rounds, mortars, airstrikes, cluster munitions, thermobaric weapons)

and indirect lethal measures (denial of shelter, medicine, food, water), in the fog of war and pretext of counterterrorism. Since May 18, 2009, the ground truth of this collective Tamil experience from the NFZs-to-Surrender-to-Manik Farm – a timeline that spans approximately four years from May 2006-May 2010 – has not been told in its entirety. Since May 18, 2009, due to Sri Lankan obstruction, the UN and Western INGOs such as Human Rights Watch or Amnesty International have not conducted any in-country investigations into the events of Mullivaikkal.

6. The totality of this ground truth, as contextualized in the post-1948 political and military history of Sinhala-Tamil ethnic violence in Sri Lanka, breathes silently in the collective memory of Tamil witnesses today. It exists beneath the dominant, ethnically-neutral, post-9/11 narratives of the Mullivaikkal massacre, framed predominantly in the legal policy language of collateral damage and counterterrorism.
7. In consideration of the totality of evidence, the sheer scale of SLA shelling to herd Tamils into “NFZ”s prior to killing Tamils en masse, the way that Tamils were killed inside each NFZ – including the use of cluster munitions and white phosphorous munitions, the way that Tamils were stripped naked en masse during surrender around May 18, 2009, and the way that thousands of Tamils of military-age were killed post-surrender, constitute a pattern of State conduct that transcends the normative parameters of conventional warfare. This broader pattern of Sri Lanka’s actions, when viewed as a whole, reveals a coordinated plan to target Tamils as a group in the fog of war and counterterrorism. Pending the completion of adequate investigative efforts, it is this full factual narrative that emerges from the totality of evidence that will provide a sufficient factual foundation to objectively evaluate and establish the case for Tamil genocide by the Sri Lankan state.
8. This memorandum examines the legal claim that the Sri Lankan State committed genocide against the Tamil population, focusing on the four-year period from May 2006 to May 2010, set in the general post-1948 historical context of Sinhala-Tamil ethnic tensions normalized by decades of majority-Sinhala rule in the democratic Sri Lankan state.
9. Factually, the analysis in the Sections below is grounded in primary source evidence collected through a six month 2024 Fact-Finding Mission (FFM), conducted in anticipation of a future prosecution of Sri Lanka at the International Court of Justice (ICJ) for committing Tamil genocide. The FFM was and is necessary to offset evidence gaps caused by the absence of UN/INGO in-country investigations into the Mullivaikkal massacre since May 18, 2009. Complemented by open desk assessments of open-source human rights reporting, this memorandum concludes that once the effects of Sri Lankan disinformation are neutralized, and a sufficient sample of primary source evidence has been collected, the resulting totality of evidence and circumstances will demonstrate that the Sri Lankan State systematically targeted Tamils-both combatants and civilians-in the Vanni region, as an ethnic group, with specific intent to destroy the Tamils of the Vanni Region.
10. The initial findings of fact from the 2024 FFM shock the conscience. Witness testimony, photographic and video evidence establish horrifying Rwanda-like scenes of systematic mass killing inside Sri Lanka’s No-Fire-Zones unfolding in the jungle terrain of the Vanni Region: trails of dead Tamil bodies in homes, bunkers, roads, and mass graves from Kilinochchi to Mulivaikkaal; severed body parts of elderly and children in trees; war-injured Tamils dying from lack of medicine; Tamils burying loved ones in pits; drone-guided mortars targeting concentrations of Tamil population clusters; repeated use of artillery barrages and white phosphorous munitions in No-Fire-Zones; unexploded cluster munition bomblets with pink and yellow ribbons to entice Tamil children; doctors without medical supplies and hospitals without doctors; amputations in

open air buildings without anesthesia; no food or drinkable water access, mosquitoes and flies eating at open wounds. Witnesses describe spending days and nights in bunkers to avoid the 24-7 spray of rifle rounds. Specifically in NFZ-2 and NFZ-3, multiple witnesses describe a single artillery killing entire multigenerational families crowded in one bunker, multiple times a day in the blur of Sri Lanka's siege on the Vanni Region.

The Legal Argument for Tamil Genocide in a Nutshell

11. The integration of war and counterterrorism into a State's military policy does not reduce the risk of genocide-it amplifies it. Counterterrorism policy does not suspend the ethnic component of an armed conflict – it amplifies it. In the post-9/11 era, States with histories of violent ethnic tensions have exploited the fog of war and the pretext of counterterrorism to commit genocide. The plight of Tamils in Sri Lanka parallels that of the Uyghurs in Xinjiang Province of China and the Rohingya in Myanmar. In each instance, the State employed coordinated military and non-military measures with the specific intent to destroy an ethnic group, leveraging plausible deniability from the fog of war, counterterrorism narratives, and the lack of robust UN-supported humanitarian intervention during peak periods of intense mass ethnic killing.
12. The legal determination of whether Sri Lanka committed genocide from May 2006 to May 2010 is undeniably complex, shaped by the “War on Terror”; a collapsing peace process; the Tamil armed liberation struggle for national self-determination; the existence of a de facto state with 400,000 - 450,000 Tamil civilians in the Vanni Region; Sri Lanka's removal of UN/INGO presence in the Vanni Region by December 2008; . Sri Lanka's use of lethal force to kill Tamils en masse peaked around the war's end on May 18, 2009, when the LTTE “silenced its guns.” Since May 18, 2009, the absence of in-country UN investigations coupled with the presence of Sri Lankan disinformation and obstruction of access to witnesses further complicate performing legal genocide analysis.
13. The three Panels in Diagram 1 summarize the core fact pattern and legal framework underpinning the legal argument for Tamil genocide that is developed further in the remaining Sections.

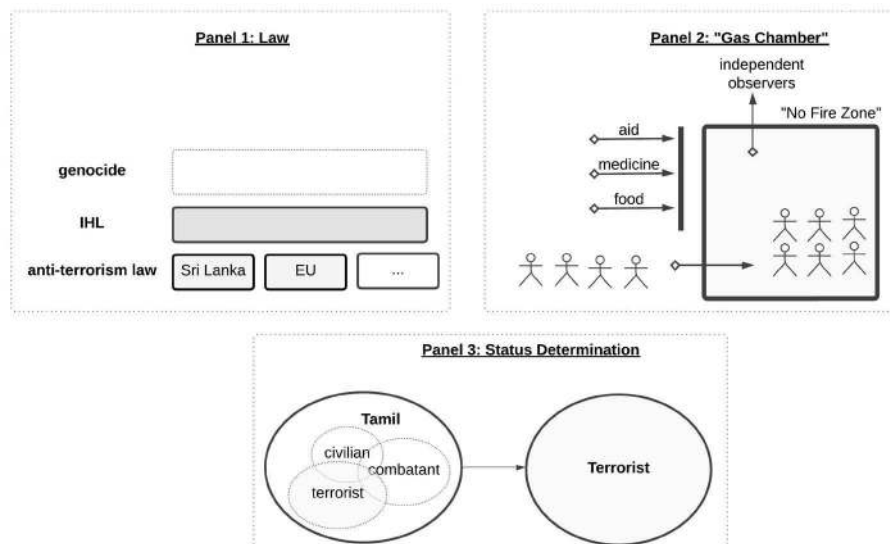


Diagram 1: Panel 1 illustrates the legal ambiguities that Sri Lanka exploited between 2006-2010. Panel 2 illustrates Sri Lanka's military pattern of group targeting that re-purposed No-Fire-Zones to acquire a “gas chamber” effect. Panel 3 illustrates Sri Lanka's collapse of status-based lethal targeting to a legal formula that permitted the inference of terrorist status from Tamil ethnic identity.

14. Between May 2006-May 2010, Sri Lanka exploited post-9/11 ambiguities in the laws of genocide, war, and anti-terrorism (Panel 1) to destroy Tamils as a group (Panel 2) by weaponizing Sri Lanka's sovereign authority to perform battlefield-level combatant status and terrorist status determinations to target any and all Tamils in the Vanni Region (Panel 3). Specifically, between May 2006 and May 18, 2009, no statement by a UN body or INGO publicly demanded Sri Lanka to stop escalating military action. During this time period, no UN body or INGO protested the ability of majority-Sinhala SLA infantry divisions to conduct battlefield-level combatant status and terrorist status determinations when using lethal force on an all-Tamil Vanni Region, in spite of the SLA's long history of anti-Tamil human rights violations during military operations in the Vanni Region dating back to the 1980s.
15. Panel 1. Sri Lanka exploited legal ambiguities to target all Tamils in the Vanni Region in large-scale combat operations. Panel 1 shows the essential 3-layer legal framework that applied to the Vanni Region between 2006-2009 (prohibition of genocide, IHL, anti-terrorism laws). These distinct legal regimes were not and are not harmonized into one coherent set of binding legal rules governing the use of force during armed conflict. The resulting legal ambiguities enable State actors to blur the lines between military objectives, counterterrorism objectives, and genocidal objectives.
16. Panel 2. Sri Lanka exploited the IHL construct of a Safety Zone to group Tamils into a small, confined spaces and kill them. Panel 2 shows the "gas chamber" effect of Sri Lanka's No-Fire-Zones where the SLA first herded Tamils into groups, and then targeting Tamils and the life-sustaining infrastructure they relied on, again and again. Similar to Nazi Germany's strategy of packing Jews into gas chambers to kill them en masse, the SLA declared NFZs, forcibly concentrated Tamils into densely packed areas, and systematically targeted those zones. Wide-area munitions maximized casualties, while simultaneous precision strikes on life-sustaining infrastructure hastened collapse. Through spatial compression, bombardment, and infrastructure destruction, the SLA transformed the NFZs into mechanisms of group elimination.
17. Panel 3. Sri Lanka also exploited status determinations under IHL and anti-terrorism law to target the Tamils of the Vanni Region as an ethnic group. Panel 3 illustrates how the Rajapakse administration in Sri Lanka, that oversaw combatant/terrorist status determinations in Sri Lanka without UN/INGO oversight, used actual or presumed terrorist designations to turn the entire Tamil population in the Vanni Region into a legitimate military objective. Noteworthy, every reference to "civilian" or "combatant" or "distinction" in UN/INGO human reporting implicitly relies on the Rajapakse administration's protocols to perform combatant status or terrorist status determinations on the battlefield along with the SLA's general compliance with IHL customary norms between 2006-2010.
18. In summary, these Panels provide a concise framework for understanding the essential factual and legal arguments developed in the Sections below. They demonstrate how post-9/11 legal ambiguities created a permissive targeting environment for Sri Lanka to exploit status determinations and execute military patterns of group targeting under the legal pretexts of IHL and anti-terrorism law. If you're a Tamil, you're LTTE; if you're LTTE, you're a terrorist; if you're a terrorist, you should be killed. Left unchecked, this slippery slope logic blurs the line between counterterrorism and genocide when it is applied to an entire ethnic group.

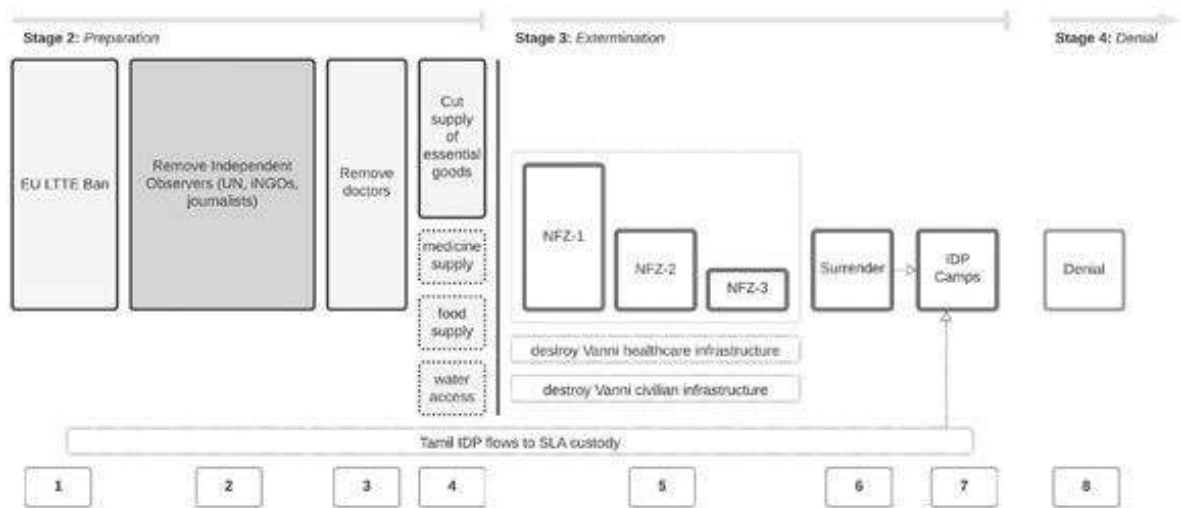


Diagram 2: Diagram 2 is developed further in Section 4 and depicts the sequential components of Stages 2-4 of the 4-Stage Legal Model for Tamil genocide: Escalation, Preparation, Extermination, Denial.

19. The 4-Stage Legal Model for Tamil Genocide. As shown in Diagram 2, Sri Lanka's coordinated plan to destroy Tamils as a group between May 2006 and May 2010 unfolded in four sequential Stages, developed in detail in Section 3. Steps 1-4 in Stage 2 and Steps 6-8 in Stages 3 and 4 are generally excluded from conflict narratives presented in UN/INGO reporting since May 18, 2009.
 - a. In Stage 1, Sri Lanka escalated armed conflict during Norwegian-negotiated peace negotiations to create war, and the fog of war.
 - b. In Stage 2, Sri Lanka implemented multiple steps to prepare for genocide in the fog of war.
 - c. In Stage 3, Sri Lanka exterminated Tamils as a group in the fog of war; noteworthy, as methods of genocide depend on the opportunity to commit genocide, the extermination of Tamils continued beyond May 18, 2009, during the transfer of Tamil IDPs from NFZ-3 to the IDP camps.
 - d. In Stage 4, Sri Lanka denied committing genocide after May 18, 2009

The Tamil Srebrenica – April-May 2009

20. As shown in Step 6 of Diagram 2, the flow of tens of thousands of Tamils from NFZ-3 to SLA custody occurred with zero UN/INGO oversight around April-May 2009 in territories under SLA-control near the Mullivaikkal/Nandhi Kadal area. During the SLA's security screening process, in the last stages of the war and geographically outside the NFZ-3 active combat zone, approximately 10,000 Tamil men and women of military age that surrendered to the SLA near NFZ-3 were captured, separated, relocated by buses to camps and schools with no UN/ICRC presence under SLA control and killed by the Sri Lanka State¹.
21. The Step 6 killings of Tamil men and women of military age in the legal model closely parallel the genocide in Srebrenica during the Bosnian War. Like the Srebrenica enclave in eastern Bosnia, the Vanni Region was of immense military and strategic importance to the Sri Lankan State.

1. The estimated number of Tamils killed vary widely from 500 to 20,000. Witnesses estimate the number is closer to 10,000 and include ex-LTTE combatants and civil administrative staff.

- a. In July 1995, Bosnian Serb forces systematically separated Bosniak men and boys of military age after the fall of the UN-designated "safe zone" of Srebrenica. Despite assurances of safety, these individuals were detained, transported to remote locations, and executed in mass killings, resulting in the deaths of over 8,000 in just a few days. The lack of effective international oversight during this process allowed these atrocities to occur unchecked.
- b. Similarly, in Sri Lanka, surrendered Tamil men and women of military age were reportedly taken into custody by the SLA in April-May 2009 and subsequently disappeared or extrajudicially executed. Unlike Bosnia, the absence of a UN Security Council mandate in Sri Lanka left the SLA in full control of the IDP pipeline from security screening to buses to resettlement camps or military camps. The absence of independent oversight by the UN or international NGOs created conditions for widespread abuses during the surrender phase, echoing the systematic targeting and killings seen in Srebrenica. The breadth and scale of Step 6 remains largely unreported or investigated.
- c. Photograph 1 below was taken by a SLA soldier in early May 2009 in territories near Nandhi Kadal. As a matter of SLA policy, Tamils that "left the No Fire Zone" as repeatedly urged by UN/INGO sources in 2009 were stripped naked en masse.



Photograph 1: In early May 2009, the SLA screened Tamil men and women of military age without UN/INGO oversight, separated and relocated them to schools and camps under SLA control and killed them. This photograph by an SLA soldier is taken near the Nandhi Kadal area, after separation but prior to relocation and killing.

Purpose and Organization of Memorandum

22. The primary purpose of this memorandum is to present the "full" fact pattern of the Mullivaikkal massacre to demonstrate that the broader pattern and sequence of Sri Lankan actions between May 2006-May 2010 engaged in the category of systematic group targeting of the Tamil ethnic group that is prohibited under Art. II of the Genocide Convention. The genocidal character of Sri Lankan conduct between May 2006-May 2010 must be evaluated, not in the limited context

of post-9/11 counterterrorism policy, but rather holistically, in the general context of post-1948 Sinhala-Tamil ethnic conflict in the island of Sri Lanka.

23. This memorandum is organized in the seven Sections below, beginning with an overview in Section 1 and definitions for group targeting and the gas chamber analogy in Section 2. Section 3 provides a detailed factual theory that can eventually meet the rigorous *dolus specialis mens rea* requirements in a criminal genocide prosecution. Sections 4-5 describe Sri Lanka's use of "No-Fire-Zones" as a Kill Box and the influence of Sri Lanka's IO on UN/INGO legal policy and decision-making mechanisms. Section 6 describes rule-of-international law issues that enabled Sri Lanka to frame genocidal objectives as military and/or counterterrorism objectives. Section 7 illustrates how Sri Lanka exploited the UN's policy of non-intervention from 2002-2009 in Sri Lanka to commit Tamil genocide in the fog of war and counterterrorism.

Section 1: Overview

Section 2: Group Targeting

Section 3: Legal Model for Tamil Genocide - May 2006-May 2010

Section 4: Kill Box

Section 5: Sri Lanka's Information Operation (IO)

Section 6: The Legal Framework: IHL, Genocide, Counterterrorism Law

Section 7: International Response Failures: February 2002 to May 2009

Disclaimer

- This memorandum is a preliminary and ongoing factual and legal assessment on the question of Tamil genocide in Sri Lanka. This memorandum does not advance a legal conclusion that Tamil genocide occurred between May 2006-May 2010. This memorandum does not provide a comprehensive analysis of subjects relevant to genocide, including *dolus specialis* intent requirement, Sri Lanka's post-1948 history, Sinhala-Buddhist racial ideology and the Mahavamsa, or the use of hate speech in non-English media content to legitimize military escalations in the Vanni Region.
- To protect the names and identifying details of witnesses and/or sources of primary source evidence, personally identifying information and citations have been withheld in this report. The overwhelming majority of ex-UN staff, ex-INGO staff, humanitarian aid workers, and Tamil witnesses in general request to not mention their names and to cite publicly available materials when possible. Other Tamil witnesses provided information on the condition of anonymity.
- As a general remark, this memorandum highlights concerns with UN/INGO reporting on Sri Lanka since 2009, which contain significant factual omissions and questionable legal positions that hinder objective analysis of Tamil genocide. Sri Lankan disinformation appears to have influenced the UN's OISL and POE reports, which reference genocide law but fail to conduct substantive genocide analysis. These reports rely implicitly on the Rajapakse administration's 2009 combatant status determinations and overlook the impact of Western counterterrorism policies on Sri Lanka's military targeting logic. Additionally, the UN has inconsistently criticized and endorsed Sri Lanka's LLRC report-a postwar, restorative justice-inspired truth-telling exercise rife with falsehoods, produced by the same administration responsible for mass Tamil killings. Until these issues are independently addressed, the findings in UN/INGO human rights reports remain inadequate to support legal conclusions on Tamil genocide.

- Against this backdrop, this memorandum presents a factual theory and corresponding viable legal framework grounded in state criminal responsibility for proving Tamil genocide by the Sri Lankan State on the basis of the 2024 FFM as complemented by corroborated portions of UN/INGO human rights reporting.

Section 1: Overview

24. The start date of Tamil genocide in Mullivaikkal is obscured when legal analysis begins in January 2009. To see Tamil genocide, the timeline must shift earlier to May 2006 and be holistically re-contextualized within the broader, pre-9/11 patterns of Sinhala-Tamil ethnic violence on the island that date back to the 1950s. For purposes of this memorandum, the working end date for the act of Tamil genocide in Mullivaikkal is currently approximated to be around May 2010, one year after May 18, 2009 in order to include Sri Lanka's post-May 18 killings of Tamils in the relevant fact pattern.
25. Genocide is the denial of the right of existence of entire human groups. In a fact pattern, genocide, an intent-based crime, can be understood as a coordinated plan of actions carried out with specific intent to physically and/or biologically destroy a particular human group. Methods of genocide vary, from gas chambers to machetes. National security-related motives to justify or deny genocidal objectives in the fog of war may also vary, from collateral damage to counterterrorism. But the specific intent is the same – to destroy a national, ethnic, racial, or religious group, as such, in whole or in part from the global fabric of common humanity.
26. Since the Holocaust, the crime of genocide has generally unfolded during war, from Cambodia and Rwanda to Srebrenica and Myanmar. Genocide is a macro-pattern of mass ethnic killing, characterized by a specific intent to exterminate specific ethnic groups. This “crime of crimes” evades identification at the operational level of specific actions: one cubic meter of Zyklon B, one Hutu machete, one Serbian bullet, one Sri Lankan artillery shell. Rather, the plan of actions that commit the crime of genocide emerges at the holistic level of a broader pattern and coordinated plan: the gas chambers at Auschwitz; Hutu mobs with machetes hacking Tutsis to death in areas of Kigali encircled by paramilitaries; summary executions of Bosnian Muslims in Srebrenica's school buildings; the artillery shelling of Tamils in the NFZs of the Vanni Region.
27. Raphael Lemkin's 1944 definition of genocide elucidates the specific category of conduct prohibited by the Genocide Convention:

a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objective of such a plan would be disintegration of the political and social institutions of culture, language, national feelings, religion, and the economic existence of national groups and the destruction of the personal security, liberty, health, dignity and even the lives of the individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group². (emphasis added)

2. Raphael Lemkin Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress 79 (Carnegie Endowment 1 for World Peace 1944)



Diagram 3: The “War on Terror” security paradigm has enabled States to use genocide as a method of counterterrorism. Where Sri Lanka may use Sri Lankan national security laws to apply the LTTE label to any Tamil in Sri Lankan jurisdiction, a mandate to “destroy the LTTE” can function as a proxy to “destroy Tamils.”

28. A plan is an intended sequence of actions with a common objective. The post-9/11 “War on Terror” paradigm provided Sri Lanka with the opportunity to pursue the objective of Tamil genocide by “rebranding” its coordinated plan to destroy Tamils as lawful plan to destroy the LTTE. Between May 2006-May 2009, the Western counterterrorism interest to militarily destroy the LTTE aligned with Sri Lanka’s pre-existing intent to destroy Tamils an ethnic group, a circumstance Sri Lanka took advantage of.
29. As a general note, the role of counterterrorism law and the impact of counterterrorism policy on Sri Lanka’s military targeting logic in the Vanni Region, grounded in the Rajapakse administration’s combatant and terrorist status determinations on the battlefield, are omitted from the legal reasoning in UN/INGO reports on Sri Lanka regarding the events of 2009. During this time period, language such as “LTTE terror” and “terrorism” in 2009 saturated Sri Lankan media coverage of the conflict, and is clearly material to objective assessments of SLA targeting logic.

The 4 Stages: Escalation, Preparation, Extermination, and Denial

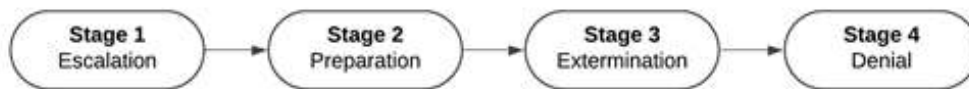


Diagram 4: The fact pattern supporting the case for Tamil genocide is segmented into four stages that connect Sri Lanka’s escalation of war during the peace process to Sri Lanka’s commission of genocide at Mullivaikkal.

30. Sri Lanka’s individual military actions are not accurately understood as a linear sequence of isolated military objectives in the “War on Terror.” Sri Lanka’s broader pattern of military and non-military actions between May 2006-May 2010, when analyzed as a whole, is properly understood through the lens of a planned sequence of military operations directed to a genocidal objective to destroy the Tamil group “as an entity” in the fog of war, and under the pretext of counterterrorism.
31. During this time period, Sri Lanka’s coordinated plan was organized into four sequential stages.
 - a. ESCALATION of War (-2002-2007) (“Eastern Operation”);
 - b. PREPARATION for Genocide (May 2006-Dec 2008)
 - c. EXTERMINATION during Genocide (Jan 2009 - May 2010) (“Wanni Operation”).
 - d. DENIAL of Genocide (May 2010-Present)
32. During the Ceasefire Agreement(“CFA”)-backed Norwegian-mediated Peace Process, Sri Lanka escalated war with the LTTE in Stage 1; once conditions of armed conflict through Sri Lankan military escalations had normalized, Sri Lanka took further steps in the nascent fog of war to prepare for genocide in Stage 2, including the removal of independent observers and choking supply lines of food/medicine/essential goods into specific distribution hubs in LTTE-controlled

territories of the Vanni Region; once Sri Lanka completed the preparatory steps of Stage 2, Sri Lanka initiated a coordinated plan to commit Tamil genocide (i.e. extermination) in Stage 3, through a systematic policy of group targeting of all Tamils in the Vanni Region. After May 18, 2009, the opportunity to commit genocide changed and Sri Lanka adapted Stage 3 methods of physical destruction to the postwar environment in which military operations were subjected to increase international scrutiny. Once Sri Lanka completed Stage 3 extermination, Sri Lanka denied and continues to deny Tamil genocide in Stage 4.

33. Today, Sri Lanka narrates Stages 1-4 as an armed conflict with a terrorism component and collateral damage. In Sri Lankan military vernacular, Stage 1 aligns with the “Eastern Operation”; Stage 3 aligns with the “Wanni Operation.”
34. Developed further in Sections 2-6, IHL-terrorism analysis alone of discrete SLA actions does not capture the genocidal character that emerges from the SLA’s sequence of actions between May 2006-May 2010.
 - a. After December 2008, the Vanni Region was an all-Tamil battlespace.
 - i. References to combatant and civilian in the Vanni Region in 2009 necessarily refer to Tamil combatants and Tamil civilians.
 - ii. To the extent that IHL prohibits military targeting of civilians and civilian objects, every reference in human rights reports to “combatant” or “civilian” in reference to the IHL principle of combatant/civilian distinction implicitly relies on the legal validity of the Rajapakse administration’s application of IHL and terrorism-related Sri Lankan criminal laws to determine combatant status on the battlefield, between May 2006-May 2009, without independent review or oversight.
 - b. Each NFZ was a Kill Box, not a Protected Zone.
 - i. Sri Lanka used military communications about a No-Fire-Zone to guide Tamil IDP flows towards a Kill Box. See Section 4. Unilateral military communications about the formation of a protected zone do not actually form said protected zone under IHL. In this regard, references to a No-Fire-Zone in UN/INGO reports propagate Sri Lankan disinformation in legal reasoning. Further, “No Fire Zone” is an invalid IHL construct with no prior use in the legal history of modern warfare. The first use of “No Fire Zone” to form a civilian object in an active combat zone through military communications is by Sri Lanka in January 2009.
 - ii. The SLA military communications about “No Fire Zones” were Sri Lankan disinformation.
 - c. Western security interests in the post-9/11 “War on Terror” to militarily destroy the LTTE aligned with Sri Lanka’s intent to destroy Tamils as an ethnic group.
35. Next, Section 2 defines group targeting and develops the Gas Chamber Analogy as an organizing lens to process the complex factual narrative between May 2006-May 2009.

Section 2: Group Targeting

A coordinated plan of systematic group targeting is evidence of genocidal intent. Starting in 2006, the SLA first used disinformation and strategic shelling to directionally displace thousands of Tamils families into small, enclosed areas where larger concentrated groups of Tamils formed. Then, the SLA attacked these groups and the life-sustaining infrastructure they relied on, again and again with heavy artillery.

36. In lethal status-based targeting logic on a battlefield, a State actor is authorized to engage military objectives –including killing humans – under IHL, depending on the status ascribed to such humans prior to engaging the military objective. In post-9/11 armed conflicts, battlefield status determinations of humans do not occur in an ethnic vacuum. Designating one or more humans with terrorist or combatant or civilian status by operation of law is a legal status that is superimposed on the pre-existing biological status of that human’s membership in an ethnic group.

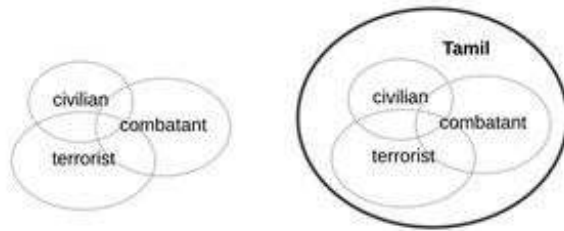


Diagram 5: Status-based targeting in military operations requires consideration of ethnic group membership that may trigger genocide risk during post-9/11 armed conflict.

37. As illustrated in Diagram 5, in the Vanni Region between January 2009 and May 2009, regardless of Sri Lanka’s status determinations to ascribe the label of terrorist, combatant, or civilian, every human – man, woman, and child – in the Vanni Region during this time period was Tamil, and a biological member of the Tamil ethnic group.
38. Group targeting is the factual sine qua non of any criminal genocide prosecution, from the Holocaust to Rwanda, Bosnia to Myanmar. An individual’s biological status as a member of a protected group under the Genocide Convention – i.e. ethnic, national, racial – is not subordinated or suspended by a State’s status determination that the same individual is a combatant, civilian, or terrorist by operation of law. For this memorandum, group targeting refers to the coordinated and systematic targeting of individuals based on their membership in a specific group. A pattern of group targeting typically involves actions that use direct lethal force—such as munitions, poisonous gas- and possibly indirect lethal measures, including the denial of food, water, medicine, or basic survival needs. If a State actor acts on a coordinated plan to commit genocide, a systematic, repetitive pattern of group targeting will be present and obvious in the relevant fact pattern.
39. Sri Lanka’s coordinated plan of military and nonmilitary actions incorporated group targeting of all Tamils in the Vanni Region between May 2006 and May 2010. The simplest conceptual lens to understand the genocidal character of group targeting in Sri Lanka during this time period is Nazi Germany’s use of gas chambers to exterminate Jews at industrial scale in Occupied Europe.

The “Gas Chamber” Effect

40. Nazi Germany’s use of gas chambers exemplifies group targeting with genocidal intent. Jews killed inside a gas chamber were intentionally killed as a group, due to their membership in the Jewish ethnic group. Between 1939-1945, Jews across Occupied Europe were rounded up from their homes by Nazi police forces during Aktion operations. They were confined in overcrowded assembly points near train stations, then deceived with promises of resettlement to board trains that transported them to extermination camps like Auschwitz and Treblinka. Packed into overcrowded trains without adequate access to food, water, or sanitation, many died in transit. At the camps, they were confined in gas chambers disguised as shower stalls and killed with lethal gases like Zyklon B and carbon monoxide. Lethal gas – the Nazi weapon of choice – saturated the enclosed space after groups of Jews were packed inside.

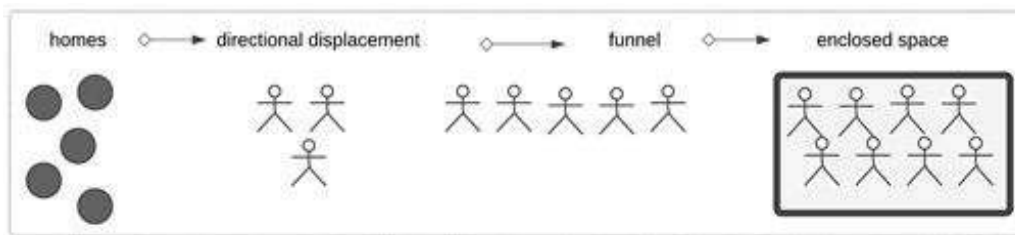


Diagram 6: This illustration the sequential process used by Nazi Germany to operationalize gas chambers in Occupied Europe.

41. The Nazi’s coordinated plan to exterminate Jews using gas chambers in Occupied Europe involved four sequential steps:
- a. Directional Displacement: individual Jews were displaced into concentrated groups in specific areas through the use of coercive force and deception.
 - b. Funnel: the process of directional displacement then guides concentrated groups into a funnel that lead the concentrated group towards a new, predetermined geographic area.
 - c. Enclosed Space: The human funnel arrives at a final location that is a small, densely-packed, enclosed space with no exit path. As the concentrated group fills the enclosed space, population density in the enclosed space increases from low to high. In the event that high-population density in the enclosed space reaches a maximum, a new directional displacement to a new enclosed space may be necessary.
 - d. Group Targeting: Use of wide-area lethal weapons (e.g., lethal gas, artillery shells) in the enclosed space for efficient killing of the group as a whole. In such factual circumstances, allegations of distinction become physically implausible when wide-area lethal weapons are systematically deployed in one enclosed space with high-population density, wherein that population is monoethnic.
42. First, a State uses force to displace and herd humans of one ethnic group from their homes into concentrated groups in centralized locations. Second, the State uses force and deception to guide and funnel the concentrated group to collectively move towards small, predetermined, enclosed spaces with no exit. Third, the flow of concentrated groups fills up the enclosed spaces. Fourth, once the enclosed space transforms from low-population density to high-population density, the State systematically deploys wide-area lethal weapons to efficiently kill members of that group as a whole in the enclosed space. Once the fog of war and pretext of counterterrorism are lifted, these four sequential steps are observable in Sri Lanka’s use of NFZs in 2008-2009.

43. In Sri Lanka, Tamil civilians were forced from their homes through shelling and military offensives by the Sri Lankan Army (SLA) (Step 1). Civilians were directed into No-Fire Zones, falsely declared as safe but designed to contain them. Using deception, the SLA then funneled Tamil civilians into NFZs while continuing shelling to enforce movement (Step 2). As the flow of concentrated Tamil IDP flows continued, the NFZs, established in sequence, grew smaller; the Tamil kill rate increased as a byproduct of systematically using wide-area lethal weapons on a small enclosed space with high-population density (Step 3). This culminated in all Tamils – combatant or civilian – being trapped and killed en masse in the final NFZs under relentless bombardment combined with denial of medical treatment and access to food and drinkable water (Step 4).
44. Sri Lanka's actions in the NFZs mirror the basic four-step process seen in the Nazi Germany's use of industrial-scale gas chambers to exterminate Jews: first, the directional displacement of individuals into increasingly concentrated groups; second, the use of force and deception to take them to and confine them in densely packed, enclosed spaces with no exit; and third, the deployment of wide-area effect lethal weapons in the enclosed spaces, such as relentless artillery shelling, to kill large numbers efficiently within these confined zones. This systematic approach, obscured at the time by propaganda and restricted access, reveals a deliberate strategy of group targeting akin to other genocidal campaigns.
45. As Section 5 develops, no NFZ ever lawfully formed under IHL in 2009 in the Vanni Region. In Sri Lanka's Information Operation to further genocidal objectives, Sri Lanka repeatedly used military communications about an NFZ to guide IDP flows of small Tamil units (individuals, families, communities) into larger groups of Tamils before attacking the Tamil group with wide area effect munitions. This sequence of grouping prior to killing pervades the January-May 2009 time period and is a circumstance that supports the inference of genocidal intent.
46. Next, Section 3 develops Sri Lanka's group targeting of all Tamils through Four Sequential Stages in further detail.

Section 3: Legal Framework for Tamil Genocide - May 2006-May 2010

In the fog of war and counterterrorism, Sri Lanka used disinformation and randomized bombardment to guide Tamil IDP flows into small, packed, enclosed areas. Once these areas reached high-Tamil population density, Sri Lanka attacked Tamils with heavy artillery – including airstrikes and cluster munitions – while using precision strikes to destroy life-sustaining infrastructure like hospitals, ambulances, and food distribution hubs. Unlike genocides in Rwanda and Srebrenica, the UN, INGOs, and journalists left the Vanni Region by December 2008, a month before Sri Lanka’s siege of the NFZs began.

Legal Model for Tamil Genocide

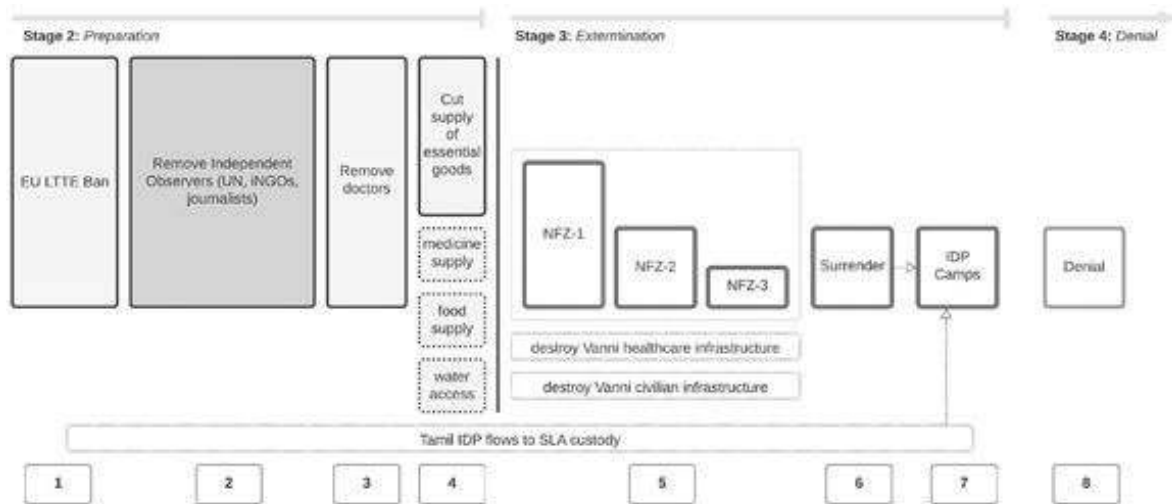


Diagram 7: Stages 2-4 of the Legal Model for Tamil genocide are visualized here and occurred from May 2006-May 2010. Stage 1: Escalation is developed below and occurred from 2002-2007. Diagram 2 is provided again here as Diagram 7.

47. The legal model for Tamil genocide shown in Diagram 7 develops Stages 2 and 3 (Preparation, Extermination) of the 4-Stage Genocide Process introduced in Section 3. Between 2002-2007, Sri Lanka escalated military conflict to create war during the peace process in Stage 1, prior to preparing for genocide in Stage 2 and committing genocide in Stage 3 in the fog of war. The subsections below develop the specific fact pattern described by Stages 2 and 3.

Stage 2: Preparation

48. **Influence of EU’s LTTE Ban on Sri Lanka’s Conflict Escalation.** In May 2006, the EU designated the LTTE as a terrorist organization, applying European criminal law extraterritorially to Sri Lanka during the peace process. This pressured the SLMM to withdraw from the Vanni and emboldened Sri Lanka to interpret Western terrorism bans as justification (*casus belli*) to escalate military operations against the LTTE during the CFA-backed Peace Process. Sri Lanka framed these bans as satisfying *jus ad bellum* requirements for initiating conflict. However, the influence of Western anti-terrorism policies on Sri Lanka’s military escalation from 2006 to May 2009 is notably absent from all UN/INGO legal frameworks analyzing the events of 2009.

49. Sri Lanka’s Policies to Prepare the Vanni for Stage 3 Extermination (by December 2008)

Sri Lanka implemented six key policies to target the Vanni Region:

- a. Zero Independent Observers: All UN/INGO personnel and independent non-Tamil observers

were removed from the Vanni. Non-Tamil UN/INGO staff departed, while only select local Tamil staff remained, creating an information blackout around SLA military operations.

- b. **Reduced Government Doctor Presence:** Government doctors significantly reduced in hospitals in the Vanni Region, crippling access to medical care.
- c. **Choked Supply Lines:** Medicine and food supplies into the Vanni were cut or severely restricted at the Omathai checkpoint, straining civilian survival.
- d. **Military Control Over Humanitarian Logistics:** Without a UNSC mandate to oversee logistics, the Rajapakse administration and Sri Lankan MoD monopolized control over food and medicine entering Omathai. External, independent oversight was absent, leaving no verification of whether supplies handled by the SLA were distributed to Tamil civilians or withheld.
- e. **Attacks on Medical Infrastructure:** The SLA began targeting key government hospitals, including Mullaitivu General Hospital and Kilinochchi Hospital, with shelling campaigns, further dismantling medical support.
- f. **Directional Displacement of Tamil IDPs:** Beginning in 2006 and continuing during the "Wanni Operation," the SLA used strategic shelling to force Tamil civilians eastward from Mannar to Kilinochchi, channeling them toward Kilinochchi-Suthanthirapuram, where NFZ-1 would later be declared.

Stage 3: Extermination

50. The Sri Lankan military operations in the NFZs mirrored a systematic mechanism of group targeting. The SLA used a combination of encirclement, randomized bombardment, and disinformation to force the displacement of Tamil civilians, funneling family units into larger groups along predefined geographic channels toward Kilinochchi-Suthanthirapuram by January 2009, where NFZ-1 was declared.
51. The NFZs-declared sequentially as NFZ-1, NFZ-2, and NFZ-3-functioned as steps in a calculated process to confine Tamil civilians into increasingly dense population clusters, culminating in Mullivaikkal, an open beach area devoid of shelter or exit. As each NFZ became densely packed, the SLA intensified its attacks, employing wide-area effect munitions such as artillery barrages, airstrikes, mortars, cluster munitions, and chemical weapons to maximize casualties. Survivors of these attacks were forced to flee to the next NFZ, where the pattern repeated.
52. This two-step process—first grouping civilians into small, enclosed areas with high population density, followed by systematic targeting with wide-area munitions—reveals deliberate group targeting rather than incidental harm in an urban warfare context. Tamils were organized into groups before being killed, akin to the way Jews were confined to gas chambers before Zyklon B was released. Witnesses recount entire multigenerational Tamil families being killed each day by a single artillery shell falling in a bunker in NFZ-2 or NFZ-3, with SLA attacks on hospitals and ambulances further accelerating the mortality rate by denying medical care at scale.
53. In NFZ-2 and NFZ-3, the SLA escalated its operations. Evidence includes the use of cluster munitions and thermobaric weapons causing severe burn injuries, consistent with white phosphorus. Drone surveillance targeted food distribution centers, killing hundreds of Tamils clustered around essential supplies. By NFZ-3, without UN or NGO oversight, the SLA's campaign intensified further. LTTE medical staff reported daily casualties averaging one thousand killed or injured,

exacerbated by the SLA's earlier policy of blocking medical supplies at Omanthai. This pattern of systematic displacement, population compression, and targeted attacks inflicted catastrophic harm on Tamil civilians.

The Vanni "Kill Chain"

54. A kill chain in military terms is a structured process to attack targets. Kill chains can be implemented as a continuous loop in a battlespace. Although UN/INGO reports interpret SLA operations in 2009 through the lens of individual military objectives, broader patterns of group targeting emerge when the SLA sequence of military objectives is viewed as a whole, as part of one Vanni Kill Chain, implemented in Stage 3: Extermination.

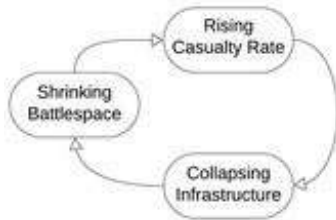


Diagram 8: This illustration shows the feedback loop in the Vanni Kill Chain. The shrinking battlespace increased the casualty rate that accelerated the collapse of Vanni's life-supporting infrastructure. Like the eye of a tornado, this feedback loop in the Vanni Kill Chain moved from NFZ-1 to NFZ-2 to NFZ-3.

55. SLA weaponized the concept of No Fire Zones (NFZs) through a calculated kill chain that systematically destroyed the Tamil ethnic group and the life-sustaining infrastructure they relied on. The Vanni Kill Chain operated through three interdependent dynamics in a feedback loop.
- a. Shrinking Battlespace: The SLA progressively reduced the size of NFZs, forcing over 450,000 Tamil civilians into increasingly confined spaces. Through strategic encirclement and targeted displacement, the army engineered a compressed battlespace:
 - i. Systematically reduced NFZ territories from NFZ-1 to NFZ-3
 - ii. Used randomized bombardment to guide Tamil IDP movements to enter NFZs, and restrict Tamil movements once inside an NFZ for easy targeting
 - iii. Compressed Tamils into a final 2-square-kilometer area of open beach terrain between the Nandhi Kadal lagoon and the Bay of Bengal
 - iv. Forced critical infrastructure like hospitals and food distribution points to relocate under continuous fire
 - b. Rising Casualty Rate: The high-population density in confined NFZs amplified the lethality of SLA attacks:
 - i. Wide-area effect munitions with significant blast radii caused mass casualties
 - ii. Each strike inflicted tens to hundreds of injuries and deaths
 - iii. Confined populations were trapped in bunkers, unable to escape or seek adequate protection
 - iv. Randomized bombardment ensured continuous vulnerability and immobilization

- c. Collapsing Infrastructure: Systematic destruction of life-sustaining infrastructure created a self-reinforcing cycle of devastation:
 - i. Hospitals, supply lines, and food distribution networks were deliberately targeted
 - ii. Repeated bombardments overwhelmed remaining medical and support capabilities
 - iii. Relocation of medical facilities caused cascading losses in supplies, communication, and operational efficiency
 - iv. By NFZ-3, civilians were exposed to constant environmental and military hazards
56. In this way, the Vanni Kill Chain had a self-reinforcing cycle that impacted Tamils as a group inside the NFZ. Bombardments inflicted injuries and deaths, destroyed critical infrastructure, and immobilized civilians. The destruction of hospitals and supply lines left civilians without treatment or resources, forcing them into increasingly desperate conditions in the shrinking battlespace. Over time, the combined effects of spatial compression, infrastructure collapse, and high population density magnified each other, ensuring that survival became systematically impossible.
57. The interdependent dynamics of shrinking an enclosed space to maximize population density, targeting groups of Tamil civilians inside that enclosed space while also targeting the life-sustaining infrastructure that group of Tamil civilians depends on is made evident when breaking down the Vanni Kill Chain into its component military actions.

SLA Actions: Present and Future Effects

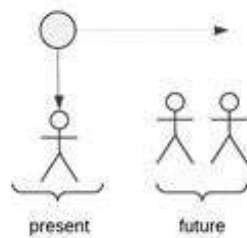


Diagram 9: This illustration shows how one military action in an enclosed space has a present effect and a future effect.

58. Every SLA action in the NFZs had both immediate and cascading future effects. For instance, destroying a makeshift hospital on Monday, in the “current” moment, forced civilians injured by subsequent shelling on Tuesday, in the “future”, to either seek treatment elsewhere or succumb to their injuries due to the lack of medical care. Similar patterns applied to attacks on food reserves and distribution hubs. These actions were not isolated military objectives but interconnected components of a coordinated, sequential plan to target Tamils collectively as a group. This systematic approach, described here as the "Vanni Kill Chain," amplified the casualty rate by grouping Tamils before systematically killing them.
59. The Vanni Kill Chain, executed during Stage 3 in the fog of war, involved the repetitive application of multiple actions, each with immediate and long-term effects. These actions collectively converged to destroy the Tamil population and the life-sustaining infrastructure they depended on, illustrating a deliberate strategy of group targeting.

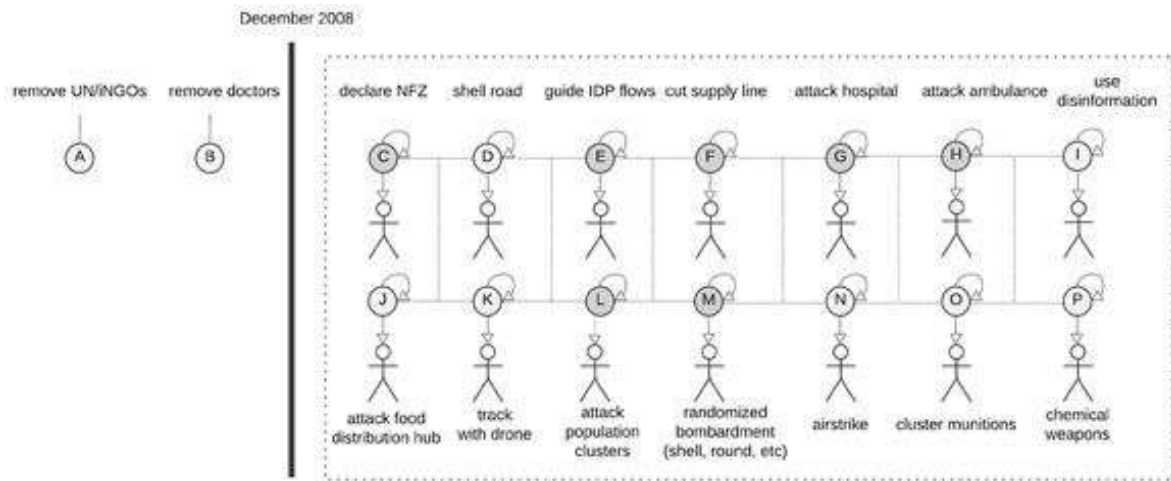


Diagram 10a: This illustration shows the Vanni Kill Chain, a network of repetitive SLA military actions taken again and again inside the NFZs between January-May 2009.

60. As shown in Diagram 10a, prior to December 2008, the SLA carried out Component Actions A and B once. The SLA removed UN/INGOs from the Vanni Region to compromise the ability of the UN/INGOs to fact check reporting of the evolution of the situation inside the Vanni Region; the SLA also removed government doctors from the Vanni Region to diminish the capacity of Vanni medical infrastructure prior to escalating military operations.
61. After December 2008, the SLA carried out the fourteen Component Actions C-P in one endless loop in the Vanni Region. To be clear, the listed Component Actions is a non-exhaustive but representative description of SLA actions that repeatedly targeted Tamils as a group in parallel to targeting the life-sustaining infrastructure that Tamils relied on in the Vanni Region.

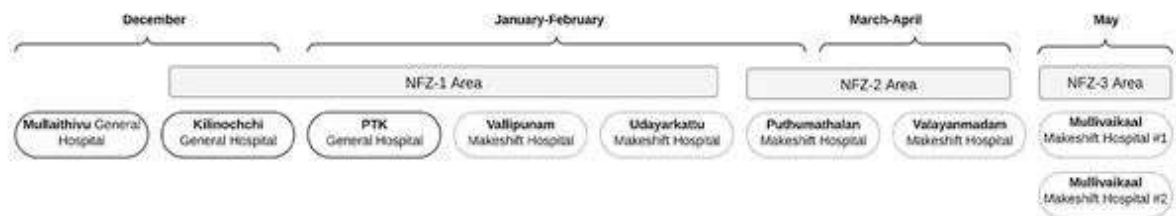


Diagram 10b: This illustration shows Component G of the Vanni Kill Chain where the SLA continuously targeted hospitals from December 2008 to May 2009.

62. For example, as shown above in Diagram 10b, the SLA continuously targeted existing hospitals and the new makeshift hospitals in the Vanni Region. Component G in the Vanni Kill Chain represents SLA actions that repeatedly attack hospitals.

Stage 1: Escalation of War



Diagram 11: Sri Lanka's four military campaigns during the CFA-backed peace process establish Sri Lanka – not the LTTE – planned to escalate armed conflict during Stage 1.

63. With respect to Stage 1, Sri Lanka planned and escalated military conflict during Norwegian-mediated peace negotiations to create conditions of war, in order to subsequently commit genocide in the fog of war. UN/INGO narrative of the Sri Lankan conflict since 2002 generally do not attribute escalation of war between 2002-2007 to the Sri Lankan State. The general and widely adopted UN/INGO narrative of events in Sri Lanka between 2002-2007 primarily attributes escalation of war in a “both sides” paradigm or to the LTTE. The following four factors establish that independent of LTTE conduct, Sri Lanka carried out a coordinated plan to escalate war between 2002-2007, during the Ceasefire Agreement, with the intention of creating conditions amenable to substitute a negotiated political settlement with a final military solution. In hindsight, Stage 1 is a necessary step to manufacture opportunity to carry out Stages 2-4.
64. Narratives that indicate “both sides” violated the CFA, namely the GoSL and LTTE assume that every CFA breach had equal impact on the Peace Process and omit the continuous pattern of SLA military escalation from 2002-2007. The following four SLA campaigns carried during the CFA-backed Peace Process establish Sri Lanka’s deliberate intent to create war between 2002-2007: Alliance with the Karuna Group (2004); “Eastern Operation” (2006-2007); Assassination of Tamilselvan (2007); Targeted Killings of Tamils (2002-2007).
- a. Alliance with the Karuna Group (2004). The split of Karuna Amman, a key LTTE commander in the Eastern Province, from the LTTE in April 2004 was a pivotal moment. The CFA prohibited alliances with paramilitary groups, but the Sri Lankan Army (SLA) formed an active alliance with the Karuna faction.
 - i. Evidence of Alliance: Reports by human rights organizations and international monitors (e.g., HRW, SLMM) documented the Karuna group operating freely in government-controlled areas with logistical and material support from the SLA. The group carried out assassinations, extortion, and abductions targeting LTTE members and Tamil civilians.
 - ii. Strategic Impact: This alliance significantly weakened the LTTE’s control in the East, allowing the SLA to later launch an "Eastern Operation." The decision to ally with Karuna, in direct violation of the CFA, highlights the Sri Lankan State’s intent to undermine the LTTE’s strength as part of a broader military strategy.
 - b. The Eastern Operation (2006–2007): Gradual Escalation of Military Campaigns. In the LLRC report issued by Sri Lanka, Sri Lanka expressly acknowledges that during the CFA period, the SLA pursued an "Eastern Operation" to militarily capture the Eastern Province under LTTE-control and material to political settlement discussions in the peace process vis-a-vis the Tamil national question. The Eastern Operation relied on intelligence and ground paramilitary support from the Karuna Faction.
 - i. Phased Military Escalation: Starting in 2006, the SLA launched a series of military offensives that escalated into full-scale military campaigns to seize LTTE-controlled areas in the Eastern province. By mid-2007, the government declared the Eastern Province "liberated" after the military capture of Vakarai. These actions directly contravened the spirit of the CFA, which required the parties to resolve disputes through negotiations rather than military means.
 - c. Assassination of Tamilselvan in 2007: Sri Lanka assassinated S.P. Tamilselvan, head of the LTTE’s political wing and chief negotiator during the CFA-backed Peace Process.

- i. Targeted Killing of LTTE's Lead Peace Negotiator: Tamilselvan was killed in November 2007 by an airstrike carried out by the Sri Lankan Air Force in LTTE-controlled territory. This precision attack, targeting the LTTE's political leadership, demonstrated that the state had no intention of pursuing genuine dialogue. This assassination, executed with precision intelligence, underscores the state's rejection of peaceful negotiations and intent to escalate hostilities.
 - d. Targeted Killings of Tamils (2002–2007) A pattern of targeted assassinations and civilian attacks between 2002 and 2007 further illustrates the Sri Lankan state's strategy to create war by provoking the LTTE and weakening Tamil voices in Tamil political and civil society.
 - i. Assassination of Tamil Political Leaders:
 1. Joseph Pararajasingham (2005): The Tamil National Alliance MP was assassinated during midnight mass in Batticaloa. Reports indicate involvement by state-aligned paramilitaries, particularly the Karuna faction.
 2. N. Raviraj (2006): The Tamil National Alliance MP was assassinated in Colombo in a high-security zone. His vocal criticism of the government's policies made him a target.
 3. V. Vigneswaran (2006): A Tamil lawyer and politician was killed in Trincomalee under circumstances implicating state forces.
 - ii. Assassination of Tamil Journalists:
 1. Taraki Sivaram (2005): A prominent Tamil journalist critical of the state was abducted and killed. His assassination silenced dissent and discouraged critical reporting.
 2. Sinnathamby Sivamaharajah (2006): Assassinated on August 20, 2006, in Jaffna. He was the managing director of the Tamil-language newspaper *Namathu Eelanadu*.
 3. Selvarajah Rajewarnam (2007): Killed on April 29, 2007, in Jaffna. He was a reporter for the Tamil-language daily *Uthayan*.
 - iii. Tamil Civilian Massacres in LTTE-controlled Areas:
 1. Senchola Massacre (2006): The Sri Lankan Air Force bombed a location in Mullaitivu inside LTTE-controlled territories of the Vanni Region, killing 61 schoolgirls. The government claimed it was an LTTE training camp, but independent investigations found the victims were students attending a leadership program.
 2. Trincomalee Five Students Case (2006): Five Tamil students were executed in broad daylight by security forces in Trincomalee. Witnesses and reports pointed to military involvement.
 3. Purpose of Provocations: These killings and attacks undermined Tamil political and social cohesion while provoking LTTE retaliation. This cycle of violence provided justification for the state to escalate military operations.
65. To be sure, the LTTE may have also violated the CFA between 2002-2007, in greater numbers than the SLA. Be that as it may, a totality-of-circumstances assessment overwhelmingly demonstrates that the Sri Lanka planned to escalate military conflict and create war during the ceasefire period. The Eastern Operation and SLAF air strike that assassinated Tamilselvan inside LTTE-controlled territory alone is factually sufficient to reasonably attribute the escalation of war to the SLA.

Directional Displacement Through Encirclement

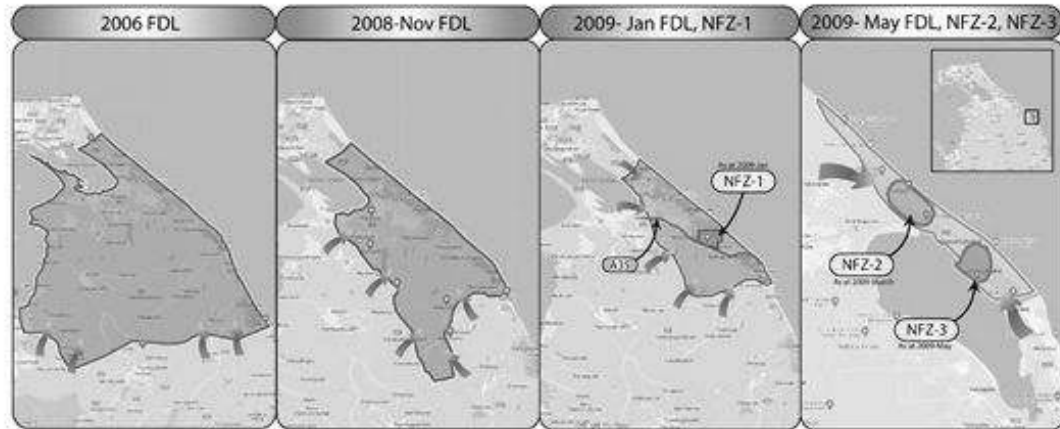


Diagram 12: This illustration shows four chronological panels that visualize the SLA's tactic of encirclement of the Vanni Region beginning in 2006, pushing the Tamil population into smaller and smaller geographic areas.

66. In addition to removing observers, cutting supply lines for food and water, and paralyzing the Vanni's health sector, the Sri Lankan Army (SLA) employed a strategy of offensive encirclement to displace approximately 450,000 Tamils in LTTE-controlled areas into progressively smaller geographic zones, culminating in their confinement near Kilinochchi and the designated No-Fire Zones (NFZs) north of the A35 road. Like a tightening noose, SLA offensives beginning in 2006 gradually reduced the encircled area from the entire Vanni Region to the final NFZ-3.



Diagram 13: This illustration shows the two concurrent layers of SLA military attacks in the Vanni Region. The foundation layer involved randomized bombardment of to kill Tamil civilians in sufficient numbers to trigger Tamil IDP flows. Precision strikes targeted Tamil population clusters and life-sustaining infrastructure in parallel.

67. The SLA's use of force to encircle the Vanni region combined two interrelated military tactics: random bombardment and precision strikes.
 - a. **Tactic #1: Random Bombardment** involves indiscriminate firing of artillery, mortars, or small arms rounds into an area without distinguishing between civilian and military targets. This tactic functions as a human herding tool to directionally guide IDP flows towards specific geographic areas. This tactic also spreads fear, disrupts civilian life, and destroys essential infrastructure, creating conditions of terror and displacement that increase the risk of genocide. During the Siege of Sarajevo (1992–1996), Serbian forces used relentless artillery and sniper fire to target homes, hospitals, and public spaces, killing thousands and terrorizing civilians. Similarly, in the Battle of Grozny (1999–2000), Russian forces employed indiscriminate bombardment to destroy infrastructure and force civilian displacement.

- b. **Tactic #2: Precision Strikes** refer to targeted attacks against specific locations or individuals, often based on intelligence. These strikes are used to eliminate key infrastructure or personnel and to direct civilian populations toward specific areas. For example, during the Second Battle of Fallujah (2004) in Iraq, coalition forces combined precision airstrikes on insurgent positions with broader urban warfare tactics to both degrade enemy defenses and influence civilian movement. In Sri Lanka, the SLA employed precision strikes to systematically destroy LTTE logistical hubs and selectively target key infrastructure, herding civilians into NFZs under the pretext of safety.
68. From a military perspective, combining random bombardment with precision strikes creates a devastating environment for civilians. At lower intensities, unpredictable bombardment—whether through artillery, mortars, or small arms fire—simulates aspects of saturation warfare, instilling fear and immobilizing civilians as they avoid leaving shelters. This disruption of daily life, access to essential services, and resource availability paralyzes the population. As the intensity and volume of attacks escalate, the cumulative effect forces civilians to flee toward areas perceived as safer—often zones designated or controlled by the attacking force—thereby directing and concentrating displaced populations. This directional displacement method leverages fear and destruction to corral civilians while simultaneously degrading their capacity to sustain themselves.

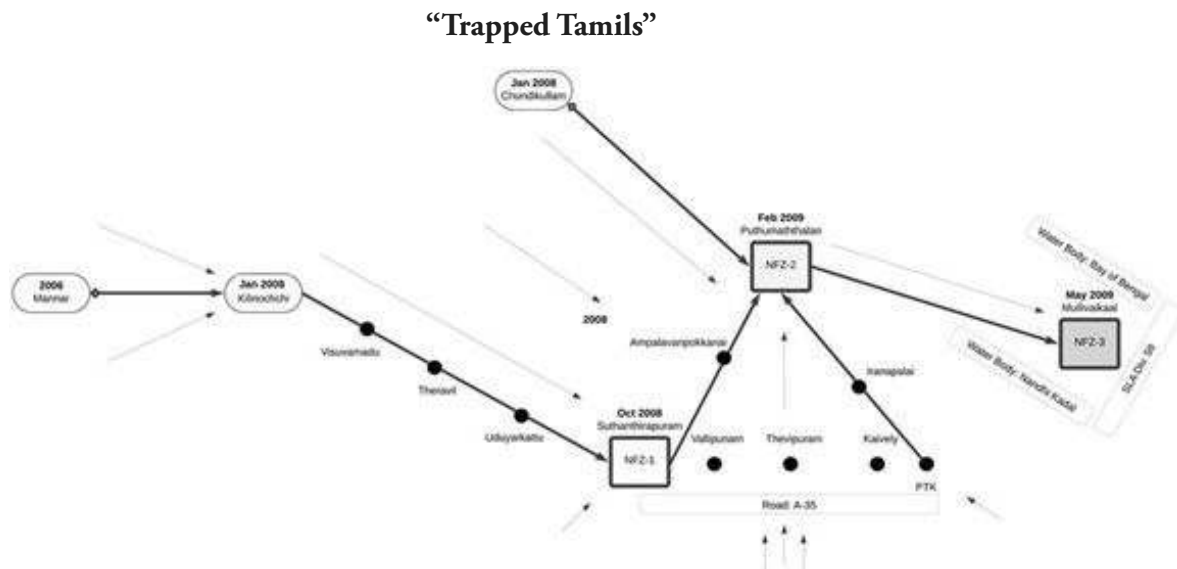


Diagram 14: This illustration visualizes the flow of Tamil IDPs from the Vanni Region through NFZ-1, NFZ-2, and NFZ-3. This pattern of IDP flow occurred within the SLA encirclement strategy visualized in Diagram 12.

69. The “trapped Tamil” narrative in UN/INGO reporting is consistent with witness testimony in the sense that all Tamils – combatant and civilian – were trapped in the SLA encircled area as a result of SLA’s encirclement tactics beginning in early 2006 via systematic use of randomized bombardment as SLA divisions advanced into LTTE-controlled territories. However, the “trapped Tamil” narrative is geographically inconsistent with the actual distribution of the Tamil civilian population throughout the Vanni Region over a period of two decades. As shown in Diagram 12 and Diagram 14, from early 2006 to May 18, 2009, the SLA encircled the Vanni Region and used each “NFZ” as a guiding mechanism to directionally displace the 400,000–450,000 Tamil population in the Vanni Region through a step-by-step path that led to a 2 sq. km area in Mullivaikkal.

- a. Step 1 was NFZ-1 at Suthanthirapuram.
 - b. Step 2 was NFZ-2 at Puthumaththalan.
 - c. Step 3 was NFZ-3 at Mullivaikkal.
70. As also shown in Diagram 14, the Tamil population existed in multiple population clusters, not one location where it can be “trapped” between the SLA and LTTE. Tamil population clusters were geographically distributed in the Vanni Region from Mannar to Kilinochchi, Chundikulum, and PTK since 1995. Between 2006-2009, Tamil families engaged in non-stop micro-displacements of 100m-200m, moving away from SLA shelling and rounds since early 2006 as the SLA encircled the entire Vanni Region. As Section 4 establishes, no “NFZ” formed on the battlefield under IHL. As UN/INGOs reported on “human shields” and Tamils “trapped” inside one particular “NFZ”, the SLA continued the use randomized bombardment and disinformation to collectively guide and funnel Tamil IDP flows from all over the Vanni Region towards predetermined geographic areas in Suthanthirapuram, Puthumaththalan, and Mullivaikkal; once the Tamil population density of these small areas changed from low to high, the SLA targeted Tamils as a group in these areas.
71. With regard to civilians, UN/INGO reports that requested the LTTE to “allow Tamils to leave the NFZ” are likely impacted by reliance on Sri Lankan information sources and lack of sufficient access to investigate facts in the active combat zone. Such requests, given the facts and circumstances of Tamil IDPs in each NFZ, necessarily assume that (a) the SLA encirclement strategy was not using the tactic of randomized bombardment systematically since 2006, prior to the declaration of NFZ-1; (b) the SLA established safe humanitarian corridors for Tamil civilians; (c) Tamil civilians that had been fleeing SLA shelling for 3 years would start to move toward the SLA military positions engaging in randomized bombardment. Witness testimony indicates these three factual assumptions of UN/INGO requests misrepresented ground realities in the NFZs.
72. As a general pattern between May 2006-May 2009, witnesses indicate that Tamil IDP flows consistently moved away from the SLA, away from SLA randomized shelling and rifle fire, and toward areas under LTTE protection where makeshift hospitals functioned.

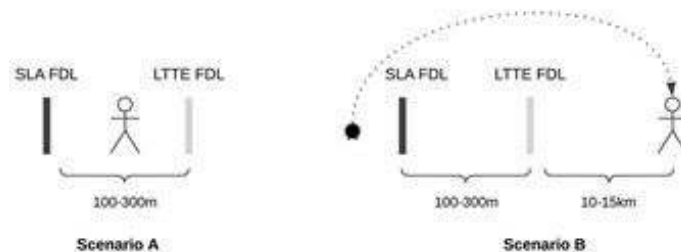


Diagram 15: This illustration is based on multiple witness accounts that state SLA artillery shelling routinely targeted Tamil civilian clusters 10-15km behind LTTE forward defense lines (FDL), contradicting the general UN/INGO narrative that Tamils were trapped “between” the SLA and LTTE military positions in 2009.

73. Repeated requests by UN/INGOs to allow Tamils to leave the NFZs toward SLA military positions in 2009 ignores the SLA’s use of randomized bombardment since 2006 to push Tamil IDP flows in the opposite direction towards Mullivaikkal. To be clear, to leave the NFZ during SLA offensive encirclement operations of the entire Vanni Region necessarily required surrender into SLA custody, similar to the surrender phase after May 18, 2009. Such requests unreasonably request Tamil civilians that have been fleeing from artillery shelling since early 2006 to move towards SLA FDL positions conducting randomized bombardment.

74. Degrees of counterterrorism bias are evident in this analysis. The SLA soldier-civilian-terrorist framing is a post-9/11 narrative intended primarily for Western, non-Tamil audiences. It does not comport with voluntary decisions by the 450,000 Tamils in the Vanni Region to live in LTTE-controlled areas. It ignores the existence of a de facto state operating called Tamil Eelam since 1995. It ignores the network of combatant-civilian family ties that invariably were part of the social fabric of the Tamil population. And it assumes that Tamil civilians felt safer in SLA custody than LTTE-controlled areas, a position that is unlikely to find corroboration in a statistically significant sample size of Tamil witnesses. The terrorism labels applied to the LTTE by Western State actors did not alter the factual relationship between the LTTE and the Tamil civilian population in the Vanni Region going back to the 1990s.

Section 4: Kill Box

Each NFZ declared by the SLA functioned as a Kill Box, not a Protected Zone

75. Under International Humanitarian Law (IHL), a protected zone cannot be lawfully established through unilateral military communications. Such zones require mutual agreement, transparency, adherence to IHL norms, or authorization through UNSC resolutions, such as the UN-created Safe Zones in Rwanda and Srebrenica.
76. The "No-Fire Zones" (NFZs) declared by Sri Lanka in 2009 failed to meet these legal criteria and did not alter the geographic structure of the battlefield to ensure civilian safety. These NFZs did not function as protected zones under IHL and offered no protection to Tamil civilians. Instead, they served as a disinformation tactic to concentrate Tamil civilians into specific areas. Any references to any "NFZ" in the legal reasoning or conflict narration of UN/INGO reports that presume an "NFZ" is a "fact" or a "civilian object" that modified the geographic structure of the battlefield are compromised by Sri Lankan disinformation.
77. In practice, Sri Lanka operated these NFZ areas as de facto Kill Boxes prior to broadcasting military communications about each NFZ to UN/INGO actors outside of the Vanni Region and Tamils inside of the Vanni Region. A Kill Box is a military concept describing a designated area where lethal force is concentrated and destruction maximized, often disregarding collateral damage. The SLA's operations mirrored this definition, subjecting civilians trapped in the NFZs to relentless bombardment, wide-area munitions, and attacks on life-sustaining infrastructure, transforming these zones into sites of systematic civilian elimination.
78. No UNSC resolution established protected zones in Sri Lanka in 2009, and the LTTE did not consent to the creation of the so-called NFZs. These zones, declared unilaterally by the SLA near LTTE military positions, failed to meet IHL requirements for protected zones. To assume that unilateral military declarations-such as a radio broadcast or an airdropped pamphlet-create a lawful protected zone is a legal error. As this section demonstrates, the SLA's declarations of NFZs were artifacts of disinformation used to concentrate civilians and further genocidal objectives under the guise of civilian safety.

Timeline of NFZ Declarations

79. Between January and May 2009, the Sri Lankan Army (SLA)-not the Government of Sri Lanka (GoSL)-unilaterally declared three "No-Fire Zones" (NFZs) in the Vanni region: NFZ-1, NFZ-2, and NFZ-3. Each zone, declared sequentially, was smaller than the last and located in active combat zones under LTTE control. Following the removal of independent observers from the Vanni in December 2008, NFZ-1 was established on January 20, 2009, in Suthanthirapuram,

covering approximately 22 square miles. NFZ-2, declared on February 12, 2009, along the Mullaitivu western coast, encompassed 8 square miles. NFZ-3, declared on May 8, 2009, in Mullivaikkal, was the smallest, covering just 2 square kilometers. This final NFZ confined LTTE forces and civilians to an area between the Bay of Bengal and Nanthikadal Lagoon.

80. The terms “NFZ” and “Safety Zone” have since been widely repeated in media and human rights reports, including those by the UN, Human Rights Watch, and international outlets. Despite this, the NFZs failed to meet basic legal criteria for protected zones under International Humanitarian Law (IHL). The SLA’s coordinated land, air, and sea attacks on these zones after their declaration reveal that the NFZs were part of a broader disinformation campaign to concentrate Tamil civilians into predefined areas for targeting. Rather than protecting civilians, the NFZs functioned as “Kill Boxes,” enabling the systematic targeting of all Tamils-combatants and civilians alike.
81. The SLA’s actions following each NFZ declaration confirm this intent. Civilians were funneled into specific areas, such as Suthanthirapuram (NFZ-1), Puthumaththalan (NFZ-2), and Mullivaikkal (NFZ-3), where they faced relentless shelling and bombardment. These attacks violated IHL principles of distinction, proportionality, and precaution, further exposing the disingenuous nature of the SLA’s NFZ declarations.

ICRC Formation Rules for Protected Zones under IHL

82. The SLA is the first to use the term “No-Fire Zone” (NFZ) to establish a protected zone for civilians on a battlefield in the legal history of modern warfare. Unlike recognized protected zones-such as safe zones, neutralized zones, or demilitarized zones-Sri Lanka’s NFZs failed to meet the procedural and substantive criteria required under IHL. Unilateral SLA communications declaring NFZs in the Vanni region did not create legally valid protected zones, as such zones require mutual consent, demilitarization, and adherence to IHL norms.
83. Inferring the formation of protected zones from unilateral declarations violates foundational IHL principles. For example, a similar scenario in the Afghanistan War, where an armed group like the Taliban or ISIS unilaterally declared a protected zone, would not be interpreted as legally binding without mutual agreement. Yet, in Sri Lanka, the SLA exploited this flawed legal reasoning to normalize its NFZ declarations through unilateral military communications.
84. The SLA’s actions also violated key IHL protections. Under ICRC Rule 35, hospital and safety zones must safeguard civilians, the wounded, and the sick through mutual agreements and geographic separation from hostilities. Instead, the SLA targeted hospitals and makeshift medical facilities within NFZs, turning these areas into zones of deliberate harm. Similarly, under ICRC Rule 36, demilitarized zones require explicit agreements, the removal of military objectives, and international oversight. Sri Lanka’s NFZs lacked all these safeguards. Rather than demilitarizing, the SLA militarized the NFZs, using them to concentrate civilians before launching attacks, further invalidating any claim of protected status.
85. In practice, Sri Lanka’s NFZs were not genuine safety zones but tactical tools of disinformation to enable efficient, systematic group targeting in large-scale combat operations in the fog of war.

NFZ Declarations as Disinformation

86. The SLA’s communications about NFZ-1 began in October 2008, earlier than reported in UN/ NGO assessments. Tamil-medium state radio broadcasts, aired multiple times daily, directed Tamil civilians to move toward villages along the A-35 road near Suthanthirapuram. Combined with randomized bombardments targeting civilian settlements, these communications manipulated IDP flows into the SLA’s predefined areas.

87. The declarations of NFZ-1, NFZ-2, and NFZ-3 were central to the SLA's disinformation campaign. Through radio broadcasts and airdropped pamphlets, the SLA exploited psychological operations to falsely present these zones as safe havens. The NFZs lacked any defining features of lawful protected zones under IHL, such as defined boundaries, mutual consent, or monitoring mechanisms. Once civilians were concentrated in these zones, the SLA targeted them with wide-area munitions, violating IHL principles of distinction and proportionality and demonstrating the NFZs were tools to exploit civilian trust for military gain
88. The term "No-Fire Zone" in SLA communications did not signify the actual creation of a protected zone under IHL. UN and NGO reporting that repeated these designations inadvertently legitimized Sri Lankan disinformation. The SLA weaponized these NFZ declarations to guide Tamil IDPs into high-population-density areas near pre-existing LTTE artillery positions, transforming these zones into targets. Once civilians were concentrated, they were subjected to systematic bombardment and precision strikes, inflicting catastrophic harm under the pretense of protection.
89. For clarity, the NFZs were not protected zones, civilian objects, or military objects under IHL. They lacked infrastructure, legal basis, or enforcement mechanisms. The SLA's communications served two audiences: Tamil civilians, who were misled into seeking safety in predefined areas, and UN/NGO actors, whose reporting propagated this disinformation. By treating the NFZs as factual predicates in conflict assessments, UN/NGO reporting undermined critical humanitarian policy decisions and obscured genocide risk assessments. These mischaracterizations allowed Sri Lanka to weaponize directional displacement and disinformation to intensify harm against Tamil civilians.

Each NFZ was a Kill Box

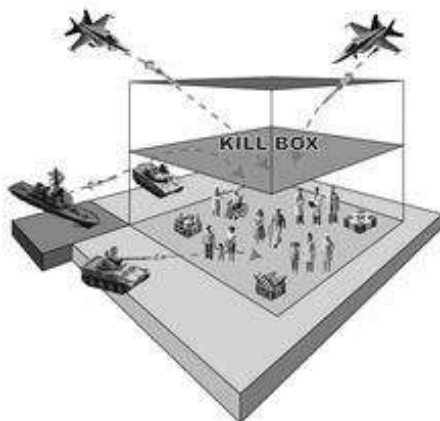


Diagram 16: This illustration visualizes a "Purple Kill Box", a military concept used to enable joint fire on a geographic area from land, air, and sea.

90. SLA conduct within the so-called "No-Fire Zones" aligns more closely with the military concept of a Kill Box than a protected zone. A Kill Box, as defined in U.S. military doctrine and widely used during the 1991 Gulf War, is a designated geographic area in an active combat zone where within the chain of military command, friendly infantry divisions deploying land, air, and sea power are authorized to employ lethal force against shared targets within the Kill Box's boundaries. According to the U.S. Department of Defense manual on Kill Boxes, a Kill Box is designed to integrate various forms of firepower—such as air, ground, and naval strikes—into a concentrated,

coordinated offensive. For example, as shown in Diagram 16, a Purple Kill Box facilitates synchronized operations between air and ground forces, maximizing lethal effects on designated targets in the area. Although a Kill Box is *per se* illegal under IHL or general international law, the legal parameters that regulate how a Kill Box is deployed in military operations include limiting the target to combatants, and excluding civilians, civilian objects, or ethnic groups as a whole from targeting inside the Kill Box.

91. As suggested in Section 2, a gas chamber is a Kill Box that uses Zyklon B instead of artillery shells and collapsed healthcare infrastructure. Similar to the way that the gas chambers in Nazi Germany functionally resemble a Kill Box, patterns of SLA military conduct in 2009 indicate that the so-called NFZs functioned as *de facto* Kill Boxes that were labeled as NFZs in SLA communications to lure Tamil civilians into confined, enclosed, high-density areas. Once civilians had gathered in these zones—such as Suthanthirapuram (NFZ-1), Puthumaththalan (NFZ-2), and Mullivaikkal (NFZ-3)—the SLA systematically targeted these areas with surface-to-surface, air-to-surface, and sea-to-surface fire. Wide-area-effect munitions, including artillery barrages, airstrikes, and cluster munitions, were employed, reflecting operational practices consistent with the use of a Kill Box. The SLA's attack in each area included precision strikes on makeshift hospitals, clusters of Tamil civilians, and food distribution locations for foods such as kanje or baby powder.

Section 5: Sri Lanka's Information Operation (IO) – 2006-2009

Controlling the content and flow of information is a critical tool in modern warfare. When military communications are weaponized as disinformation to mislead UN/INGO decision-making or manipulate Tamil IDP movements into specific areas for lethal targeting, such actions embedded in a broader plan can indicate genocidal intent.

92. Information Operations (IO) are coordinated actions designed to influence, disrupt, or manipulate the decision-making processes of a target audience to gain a military advantage. IO can include Psychological Operations (PSYOPS)—messaging designed to shape perceptions and behaviors—and Military Deception (MILDEC)—efforts to mislead adversaries or neutral actors about military intentions, capabilities, or actions. A key component of IO is disinformation, defined as the deliberate dissemination of false or misleading information to deceive and manipulate audiences.
93. Between 2006 and 2009, the Sri Lankan Army (SLA) employed IO extensively to advance its objectives, targeting both local and international audiences. These IO campaigns were aimed at controlling Tamil civilian movements, discrediting the LTTE, and deflecting scrutiny of military actions that furthered genocidal objectives. Two of the most impactful IO campaigns during this period were the declaration and misuse of so-called "No-Fire Zones" (NFZs) and the manipulation of Tamil population size estimates. These campaigns reveal how the SLA weaponized disinformation to achieve strategic advantages at the expense of Tamil civilians and international accountability.
94. The following sections examine three of Sri Lanka's IO campaigns in detail. The first explores how the SLA used NFZ declarations as a disinformation tactic to lure Tamil civilians into targeted areas and paralyze UN and NGO responses. The second example examines Sri Lanka's ability to suppress and deny reports concerning the SLA's use of cluster munitions and chemical weapons during and since 2009. The third example examines how Sri Lanka's manipulation of Tamil population figures disrupted humanitarian assistance and reduced accountability for civilian casualties.

Example 1: The “NFZ”

95. The SLA’s use of the so-called “No-Fire Zones” (NFZs) was a textbook example of disinformation within an Information Operations (IO) framework, integrating elements of both Psychological Operations (PSYOPS) and Military Deception (MILDEC). This strategy targeted two distinct audiences: Tamil civilians and the international humanitarian community.
- a. **Tamil Civilians as the First Audience:** The SLA’s NFZ disinformation campaign began with the dissemination of messages via radio broadcasts and airdropped pamphlets, instructing Tamil civilians to seek refuge in designated NFZs for their safety. These communications drew civilians into areas such as Suthanthirapuram (NFZ-1), Puthumaththalan (NFZ-2), and Mullivaikkal (NFZ-3). However, these zones were not protected under International Humanitarian Law (IHL) and were subsequently targeted with wide-area munitions, including artillery barrages, airstrikes, and cluster munitions, once civilians were concentrated there.
 - b. **UN and NGOs as the Second Audience.**

The SLA’s NFZ declarations also targeted the international humanitarian community, including UN agencies and NGOs, who lacked access to the Vanni region during the critical final months of the war. By framing the NFZs as compliant with IHL, the SLA created a veneer of legitimacy around its military operations. This disinformation was reinforced by accusations that the LTTE was using civilians as human shields in the NFZs, further complicating external scrutiny. Meanwhile, the SLA systematically shelled these zones, blaming the civilian casualties on LTTE activity, a claim that could not be easily fact-checked by international observers at the time.
 - c. **Outcome:** The NFZ disinformation campaign allowed the SLA to manipulate civilian movements, concentrate IDPs in specific areas, and execute systematic attacks under the guise of protecting civilians. For Tamil civilians, the NFZ declarations weaponized displacement, herding them into Kill Boxes where they became vulnerable to high-density bombardments. For the international community, the disinformation delayed critical decision-making, disrupted supply flows, and obscured the SLA’s violations of IHL. By combining PSYOPS to influence perceptions and MILDEC to mislead both civilians and humanitarian actors, the SLA’s NFZ campaign exemplified the effective use of IO to achieve military objectives at the expense of civilian lives.

Example 2: Cluster Munitions and White Phosphorous Munitions

96. Due to the SLA’s total control of external access to the Vanni Region in 2009, the SLA was able to control the flow of information pertaining to SLA’s use of cluster munitions and white phosphorous munitions on the Tamil population in the “NFZs” unilaterally declared by the SLA. The UN OISL report acknowledges “allegations” of the SLA use of cluster munitions and white phosphorous munitions in the NFZs. During this period, the Sri Lanka’s IO has consistently denied the use of cluster munitions and white phosphorous munitions targeting Tamils inside the NFZs.



Photograph 2: This photograph displays a cluster munition shell used by the SLA in NFZ-2 in February 2009

97. As shown above in Photograph 2, the SLA used cluster munitions in NFZ-2. The above photograph is taken after the SLA used cluster munitions in areas near NFZ-2.
98. The UN OISL report mentions that injuries from the use of white phosphorous munitions cause “intense burning” and “blackened skin.” White phosphorous injuries can also burn brown skin off the body to display white patches of flesh, as well as kill the victim. Photographs 3a and 3b show Tamil civilians injured and killed by white phosphorous munitions used in NFZ-2. To be clear, UN/INGOs actors have not investigated the SLAs use of white phosphorous munitions on Tamils inside NFZ-2 or NFZ-3 since May 18, 2009. Sri Lanka’s IO has enabled the ability to plausibly deny SLA use of white phosphorous munitions in the NFZ areas in 2009³.

3. Report of the High Commissioner for Human Rights on the Promotion and Protection of All Human Rights Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development, in Sri Lanka, U.N. Doc. A/HRC/28/11 (Mar. 29, 2015), at para. 752



Photograph 3a: An alive Tamil male individual is shown with blackened facial skin and white patches of flesh where brown skin has burned off. These injuries are white phosphorous-burn injuries sustained in NFZ-2. For context, the majority of Tamil injured patients in NFZ-2 and NFZ-3 lacked access to any medical treatment due to Sri Lanka's policy of bombing hospitals and cutting supply lines of medical supplies into the Vanni Region since January 2009.



Photograph 3a: A dead Tamil female individual is shown with blackened right arm, neck, and face skin and white. These injuries are white phosphorous-burn injuries sustained in NFZ-2. The female's severed left arm and brain matter in the location where shrapnel from concurrent artillery shelling penetrated her skull are blurred.

99. To be clear, Sri Lanka's LLRC report denies the use of both cluster munitions and white phosphorous munitions on Tamils in the NFZ areas. UN/INGOs actors have not pursued investigations of Sri Lankan uses of white phosphorous munitions on Tamils inside NFZ-2 or NFZ-3 since May 18, 2009 behind acknowledging there are unconfirmed "allegations" of possible cluster munition and white phosphorous munition use by the SLA. In 2009, Sri Lanka's IO enabled Sri Lanka to plausibly deny SLA use of both cluster munitions white phosphorous munitions in the NFZ areas in 2009 because UN/INGO presence in the Vanni Region had been removed by December 2008.

Example 3: Changing Estimates of Tamil Population Size

100. The manipulation of Tamil population size estimates in the Vanni region between 2008 and 2009 was another key disinformation tactic employed by the Sri Lankan government as part of its Information Operations (IO). Credible estimates placed the Tamil population in the Vanni at approximately 400,000 to 450,000, but Sri Lanka repeatedly presented significantly lower figures. This manipulation served two critical objectives:
- a. **Restricting Supplies of Food and Medicine:** By presenting reduced population figures, the Sri Lankan government justified supplying far fewer quantities of food, medicine, and other essential resources to the region. Humanitarian organizations widely reported severe shortages of supplies, with even the officially acknowledged allocations falling drastically short of basic needs. These shortages exacerbated civilian suffering while allowing the government to deflect blame by claiming it had met population-based quotas. For example, in early 2009, Sri Lanka estimated that only 70,000 to 100,000 Tamil civilians remained in the Vanni, while UN estimates placed the population closer to 330,000 and some INGOs provided higher estimates, ranging from 400,000 to 450,000.
 - b. **Minimizing Accountability for Civilian Deaths:** The lower population figures also served to obscure the true scale of Tamil civilian casualties. In 2009, Sri Lanka initially estimated that 9,000 Tamil civilians had died in the final months of the war. In contrast, the UN's Panel of Experts (POE) estimated up to 40,000 deaths, while other INGOs estimated far higher figures, ranging from 140,000 to 169,000. By artificially reducing the baseline population size, Sri Lanka could argue that far fewer civilians were unaccounted for, thereby minimizing accountability for the deaths caused by its military operations.

Outcome: By manipulating population figures, Sri Lanka achieved two critical goals. First, it limited the actual amount of food and medicine supplied to the Vanni region during the war, exacerbating deprivation among Tamil civilians. Second, it used these lower figures in conjunction with understated death tolls to control the narrative of civilian casualties, significantly reducing accountability for Tamil deaths. These tactics not only contributed to widespread civilian suffering but also undermined post-war humanitarian and accountability efforts by distorting the baseline data needed to assess the true impact of the conflict. Through PSYOPS, Sri Lanka shaped international perceptions of the crisis, while MILDEC allowed it to obscure the scale of its violations under IHL.

Section 6: The Legal Framework – IHL, Genocide Law, Anti-Terrorism Law

101. Proving genocide requires a legal analysis rooted in the Genocide Convention and international jurisprudence. In Sri Lanka, the legal ambiguity created by three distinct legal regimes – genocide, IHL, and ant-terrorism laws – was exploited by Sri Lanka. On the ground in 2009, the absence of independent observers in the Vanni Region undermined enforcement of legal rules on Sri Lankan actions. The net effect of global counterterrorism policy in the fog of war in jurisdictions like

Sri Lanka can operate to suspend IHL and genocide law altogether. As a result, SLA military and non-military actions in 2009 were largely decoupled from legal constraints based in IHL and genocide law between May 2006-May 2010.

3 Layers: Genocide, IHL, Anti-Terrorism Law

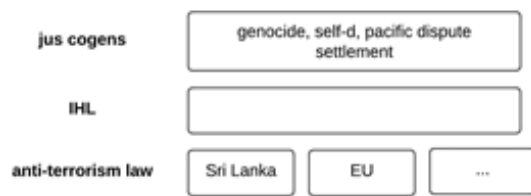


Diagram 17: The essential three layers to the applicable legal framework regulating Sri Lankan military conduct between May 2006-May 2009 include genocide law, IHL, and anti-terrorism law. Violations of International human rights law, also applicable, are not assessed in this memorandum.

102. Prohibitions on State conduct grounded in genocide law are not suspended in times of armed conflict (IHL layer) or counterterrorism operations (terrorism layer). The legal analysis of the Sri Lankan conflict between 2006 and 2010 involves the interplay of three bodies of law: (1) jus cogens norms, (2) IHL, and (3) anti-terrorism laws. Each legal regime forms one layer in the legal framework governing SLA uses of force in military operations in the Vanni Region. The lack of harmonization among these three layers created legal ambiguities in regulating SLA military operations in the Vanni Region.
103. A critical mass of U.S.-based INGO reporting of the Sri Lankan conflict prioritized the terrorism layer over the jus cogens norm layer during Stage 1 Sri Lanka's military escalation. UN reporting does not engage in meaningful assessments of genocide risk or the role of the terrorism layer in Sri Lanka's justifications to continue attacking the "NFZs" or killing of Tamil men of military-age during surrender. Moreover, it is noteworthy that in armed conflicts with Sri Lanka's history of Sinhala-Tamil ethnic violence, where combatants and civilians on the battlefield are Tamil combatants and Tamil civilians from the same ethnic group, genocide risk must be categorically ruled out prior to focusing analysis in reports on only IHL assessments.

Genocide Layer

104. Jus cogens norms represent the highest level of international law, universally binding and non-derogable. Three relevant jus cogens norms are central to the analysis of the Sri Lankan conflict:
 - a. The Prohibition of Genocide: The Genocide Convention (1948) codifies this prohibition, which applies universally and at all times, including during armed conflict. Genocide law explicitly aims to prevent and punish acts intended to destroy a national, ethnical, racial, or religious group, reflecting its elevated status under jus cogens norms.
 - b. The Right to Self-Determination: Enshrined in the UN Charter and Common Article 1 of the International Covenants on Civil and Political Rights (ICCPR) and Economic, Social and Cultural Rights (ICESCR), the principle of self-determination is a cornerstone of international law, guaranteeing peoples the right to freely determine their political status and pursue their development.
 - c. The Peaceful Settlement of Disputes: This principle obligates states to resolve disputes through negotiation, mediation, or other peaceful means, as emphasized in the UN Charter (Article 33).

105. Jus cogens norms form the overarching legal framework governing the Sri Lankan State's obligations during the conflict. These norms, particularly the prohibition of genocide, are hierarchically superior to subordinate legal norms in domestic criminal law – i.e. anti-terrorism law – and remain applicable even during wartime, when the risk of genocide escalates due to the dynamics of conflict.

IHL Layer

106. While International Humanitarian Law (IHL) and genocide law both apply during armed conflict, they serve distinct purposes. Genocide law, as a jus cogens norm, is hierarchically supreme, universally binding, and non-derogable, applying even during armed conflict or counterterrorism operations. IHL, by contrast, governs the conduct of hostilities through principles like distinction, proportionality, and precaution but cannot override genocide law's prohibitions on targeting an ethnic group.
107. **Concurrent and Paramount Application of Genocide Law:** While IHL regulates lawful methods and means of warfare, it does not displace genocide law's focus on intentional group destruction. The ICJ in *Bosnia and Herzegovina v. Serbia* (2007) confirmed that genocide law applies concurrently with IHL, ensuring that actions compliant with IHL principles, such as indiscriminate attacks or excessive civilian harm, remain subject to scrutiny for genocidal intent.
108. **IHL and Genocide Law's Distinct Purposes:** IHL and genocide law address different concerns. IHL seeks to balance military necessity with minimizing harm to civilians, while genocide law safeguards the existence of protected groups in both war and peace. However, when members of one ethnic group comprise both combatants and civilians, IHL's civilian protection framework falls short in addressing genocide risks for three key reasons:
- a. **Manipulation of Jus In Bello:** Military actions disproportionately affecting an ethnic group, such as targeting combatants while inflicting widespread civilian harm, can create an illusion of compliance with IHL while effectively advancing group destruction (ICTY, *Prosecutor v. Krstić*, 2004).
 - b. **Lawful IHL Acts Concealing Genocide:** Operations deemed proportionate and precautionary under IHL may cumulatively target an ethnic group, obscuring genocidal intent (ICJ, *Bosnia and Herzegovina v. Serbia*, 2007).
 - c. **Civilian/Combatant Dichotomy and Group Targeting:** IHL's binary classification of individuals as combatants or civilians creates a blind spot for analyzing systematic targeting of ethnic groups that span both categories. For instance, in contexts like the Vanni Region, where both Tamil combatants and civilians belonged to the same ethnic group, repeated military operations causing widespread harm to civilians under the pretext of engaging combatants may evade IHL scrutiny while advancing genocidal objectives.
109. IHL's limitations in identifying systemic patterns of group targeting underscore the necessity of genocide law's complementary application to address intent to destroy an ethnic group, transcending the narrow civilian/combatant dichotomy.

Terrorism Layer

110. **Scope of Anti-Terrorism Laws:** Anti-terrorism laws are rooted in domestic criminal law enforcement, where the use of force is a last resort. While Sri Lanka invoked "terrorism" and

“LTTE terror” in its policy narratives, anti-terrorism laws are not designed to govern hostilities on the battlefield. However, in Sri Lanka’s conflict, counterterrorism rhetoric blurred distinctions between law enforcement and military operations, creating a framework that facilitated human rights violations and genocidal targeting in the fog of war.

111. **Sri Lanka’s Domestic Anti-Terrorism Law.** The Prevention of Terrorism Act (PTA) enabled Sri Lanka to frame military actions against the LTTE as counterterrorism measures, aligning with global post-9/11 narratives. This approach allowed secret terrorist designations without judicial oversight, disproportionately targeting Tamils. The PTA’s conflation of counterterrorism and wartime conduct legitimized indiscriminate actions like the shelling of No-Fire Zones (NFZs) and blocking humanitarian aid. Such measures, though framed as counterterrorism, violated IHL and genocide law prohibitions against excessive civilian harm and ethnic group targeting.
112. **Extraterritorial Application of Anti-Terrorism Laws:** The LTTE bans imposed by the UK, France, and the European Union (EU) were extraterritorial applications of domestic anti-terrorism laws, reinforcing Sri Lanka’s narrative of counterterrorism. While these measures may have supported international condemnation of the LTTE, they did not absolve Sri Lanka of its duties to uphold IHL and genocide law, especially within its own jurisdiction.
113. **"Law-Free Zones":** Sri Lanka’s counterterrorism approach turned the Vanni Region into a “law-free zone,” where obligations under IHL and genocide law were effectively sidelined. Similar to concerns raised in *Rasul v. Bush* (2004) about Guantanamo Bay, Sri Lanka used counterterrorism rhetoric to evade legal scrutiny and enforce unchecked military policies. Post-9/11 armed conflicts have generally seen States misuse “terrorist” labels to circumvent IHL, which recognizes only combatants and civilian status. Sri Lanka leveraged the LTTE’s terrorist designation to infer combatant status for Tamil civilians, and then infer terrorist status from combatant status, undermining general principles of distinction and proportionality. This tactic facilitated broad attacks disproportionately impacting Tamil civilians, eroding the safeguards of IHL and advancing genocidal objectives under the guise of counterterrorism.

IHL Assessments in UN/INGO reports

114. Four legal areas of IHL analysis in UN/INGO human rights reporting exhibit deficiencies relevant to evaluating Sri Lanka’s 4-Stage process to create war prior to committing genocide: Jus Ad Bellum, Military Necessity, Conflict Status and Territorial Boundaries, Status Determinations.

Jus Ad Bellum

115. Definition of Jus Ad Bellum Under International Law.
 - a. Jus ad bellum governs the legality of the use of force by States. Under Article 2(4) of the UN Charter, States are prohibited from using force against the territorial integrity or political independence of another State, with exceptions for self-defense (Article 51) or actions authorized by the UN Security Council. While primarily applicable to inter-State conflicts, jus ad bellum principles are relevant in internal conflicts, particularly when a State violates peace accords to escalate hostilities. In Sri Lanka, the 2002 CFA between the GoSL and the LTTE served as a binding framework to prevent hostilities and negotiate a political settlement. Breaches of the CFA that resulted in military escalation violated jus ad bellum, undermining the principle that peace should be prioritized over war during a ceasefire.
 - b. During the CFA-backed Peace Process, Sri Lanka had no legal basis to wage war under jus ad

bellum. Sri Lanka's escalation of military conflict between 2002-2006, during ongoing peace negotiations, would additionally breach the jus cogens norm of pacific dispute settlement under international law.

116.9/11 and Sri Lanka's Eastern Operation

- a. While the CFA was in effect, Sri Lanka engaged in several significant acts of military escalation during Stage 1 (SLA-Karuna Alliance, Eastern Operation, Assassination of Tamilselvan, etc) that violated its commitments under the peace process and breached jus ad bellum:
 - i. **LTTE Bans as Casus Belli:** In a submission to the LLRC, Sri Lanka interpreted the enactment of Western terrorism bans on the LTTE as a casus belli to escalate war. Here, counterterrorism policy enacted in jurisdictions outside of Sri Lanka under the respective domestic criminal laws of States like the US, UK, and EU, are construed by Sri Lanka to supply legal justification for Sri Lanka to initiate military operations against the LTTE, in the Vanni Region, during the CFA-backed peace process, to further genocidal objectives of Stage 1. In his LLRC submission, SLA Lieutenant General Jagath Jayasuriya made the following assertions: "By Feb 2007, LTTE had been designated as a terrorist organization worldwide and it was banned in 36 countries including USA, UK, EU and India ... Under International Law, Sri Lanka was entitled to take military action to stop terrorist attacks" (Para 6-7).
 - b. **The Eastern Operation:** The LLRC expressly acknowledges that Sri Lanka initiated a planned military campaign, the Eastern Operation, to retake LTTE-controlled territories in the Eastern province during the CFA. This violated the CFA's terms, which prohibited territorial aggression and aimed to preserve the status quo until a political settlement was reached.
 - c. **Collaboration with the Karuna Faction:** Sri Lanka's alliance with the Karuna Faction, a breakaway LTTE paramilitary group, enabled military advances in the East, including the capture of key LTTE-held areas. This collaboration breached the CFA and undermined the peace process by escalating hostilities within LTTE-controlled territories.
 - d. **Assassination of Tamilselvan:** The targeted killing of Tamilselvan, the LTTE's chief peace negotiator, marked a significant breach of the CFA and a deliberate provocation. This action undermined trust in the peace process and demonstrated Sri Lanka's intent to collapse negotiations.

117. Historical Resistance to Power-Sharing

- a. Sri Lanka's Stage 1 military escalation during the CFA reflects a long-standing resistance to power-sharing agreements with Tamil political representation, which shaped its preference for a military solution over a negotiated settlement. Examples include:
 - i. **The Bandaranaike-Chelvanayakam Pact (1957):** This agreement, which proposed devolving power to Tamil-majority regions, was unilaterally abrogated by the GoSL under pressure from Sinhala nationalist opposition.
 - ii. **The Dudley-Chelvanayakam Pact (1965):** A similar power-sharing agreement aimed at addressing Tamil grievances was abandoned due to political opposition from Sinhala-majority parties.
 - iii. **The 13th Amendment (1987):** Introduced under Indian pressure to devolve power to provincial councils, this amendment has been only partially implemented, with successive governments resisting meaningful devolution of power to Tamil regions.

- b. This historical pattern of rejecting power-sharing agreements highlights Sri Lanka's strategic interest in using force to maintain centralized control rather than negotiating a political settlement.

Military Necessity

118. The impact of counterterrorism policy on military necessity determinations under IHL functions to suspend normative constraints on conflict escalation. In the "War on Terror", conceptions of military necessity are unlimited and no longer apply limitations on the use of force. This dynamic is evident in Sri Lanka between May 2006-May 2009. During this critical time period, the UN, INGOs, and Western States such as the US, UK, and EU did not once direct or request Sri Lanka to halt its escalating military operations against the LTTE. The UN maintained a posture of silence as to Sri Lanka's escalation of attacks on the NFZs and Western states despite obvious risks to the CFA-backed peace process and disproportionate harm inflicted on Tamil civilians.

Conflict Status and Territorial Boundaries

119. UN and international NGO reports on Sri Lanka's civil war failed to undertake a formal conflict status determination under IHL. While these reports acknowledged the applicability of Common Article III of the Geneva Conventions, historical facts support the legal conclusion that the armed conflict between the Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan government had an international character. Specifically, the conflict meets the criteria of an International Armed Conflict (IAC) under Article 1(4) of Additional Protocol I to the Geneva Conventions, which extends IAC status to wars fought by peoples exercising their right to self-determination against colonial domination, alien occupation, or racist regimes. The LTTE's armed struggle for Tamil self-determination and the establishment of the state of Tamil Eelam aligns with decolonization-era liberation movements, such as those of the African National Congress (ANC) in South Africa and the Front de Libération Nationale (FLN) in Algeria. Sri Lanka's policies toward the Tamil population, including systemic discrimination and ethnic targeting, reflect characteristics of a racist regime. This classification has significant implications:
 - a. **Application of Anti-Terrorism Law:** Recognizing the conflict as an IAC challenges the blanket application of anti-terrorism laws to LTTE combatants, as these laws often disregard the legal protections afforded to liberation movements under IHL.
 - b. **POW Status:** LTTE combatants, particularly those who surrendered during the final stages of the conflict, would qualify for prisoner-of-war (POW) status under the Third Geneva Convention, ensuring protections against execution and torture.
120. With regard to the territorial boundaries of the battlefield, the entire Vanni Region was not a battlefield under IHL between 2006-2009. Battlefields must be territorially delineated to the specific area of active hostilities to determine the applicable legal framework and assess compliance of military operations with IHL. The Vanni Region, where much of the conflict took place, had undergone significant urbanization since 1995, with the development of civilian settlements, infrastructure, and the de facto state institutions of Tamil Eelam emerging under LTTE governance. This civilian character of the Vanni Region – unaltered under IHL by the terrorism layer – triggers rules of urban warfare, which impose heightened obligations under IHL, including:
 - a. **Principle of Distinction:** Parties must distinguish between combatants and civilians, as well as between military objectives and civilian objects, within densely populated areas.
 - b. **Principle of Proportionality:** Attacks must not cause excessive civilian harm in relation to the anticipated military advantage.

- c. **Principle of Precaution:** Parties must take all feasible measures to minimize harm to civilians and civilian infrastructure.

121. By omitting assessment of territorial boundaries of the active combat zone, UN and NGO reports implicitly accepted the SLA view that the “battlefield” was any location in the Vanni Region targeted by Sri Lankan military airstrikes or artillery, effectively disregarding the territorial constraints on the use of force.

Status-Based Targeting

122. During the 2002–2009 peace process, the Liberation Tigers of Tamil Eelam (LTTE) operated a de facto state in the Vanni Region with divisions encompassing military, political, intelligence, financial, civil, medical, and administrative functions. In the 2009 offensive, the Sri Lankan Armed Forces (SLA) exploited legal ambiguities between International Humanitarian Law (IHL) and anti-terrorism law, enabling status-based targeting that violated fundamental IHL principles:

- a. **Combatant/Terrorist Status Determinations Without Oversight:**

Without a UN Security Council mandate, Sri Lanka independently determined combatant and terrorist status for targeting purposes between 2006-2009. In the Vanni, where the population was entirely Tamil, this created a risk that any Tamil could be labeled a combatant or terrorist, stripping civilians of IHL protections.

- b. **Collapsing LTTE Divisions into a “Terrorist” Label:**

The blanket terrorist designation applied to all LTTE members ignored functional distinctions within the organization. LTTE doctors or political leaders like Tamilselvan, who were involved in non-military roles, were treated as legitimate targets under this framework, eroding the civilian-combatant distinction required by IHL.

- c. **Inferring Combatant Status from Terrorist Status:**

Sri Lanka employed a two-step process: assigning terrorist status and then inferring combatant status to justify targeting. This bypassed IHL’s stringent requirements for status determination, enabling indiscriminate attacks against individuals who should have been protected as civilians.

Legal Analysis of Wartime Genocide

123. Where combatant and civilian are members of one ethnic group in a State with a violent history of ethnic conflict, analysis of war crimes does not automatically preclude legal analysis of genocide. To the contrary, a systematic pattern of war crimes is a warning sign for genocide risk. In such analysis, courts adopt a holistic approach, evaluating whether evidence collectively demonstrates genocidal intent.

124. Drawing from international case law from genocides in the former Yugoslavia, Rwanda, and Myanmar, a State’s coordinated plan with the genocidal objective of destroying a group in the fog of war will often exhibit the repetition of the following six factual elements, all of which are present in Sri Lanka between May 2006 – May 2010.

- a. **Patterns of Conduct:** Genocidal intent can be inferred from consistent, systematic actions targeting civilians and infrastructure. For example, mass killings, forced displacement, and the destruction of resources indicate a coordinated strategy. The absence of explicit orders does not preclude intent if the conduct demonstrates an overarching plan (ICTY, Prosecutor v.

Jelišić, 1999; ICJ, *The Gambia v. Myanmar*, 2022). Courts have further emphasized that the scope and scale of these actions are critical in assessing intent. Large-scale operations affecting vast numbers of civilians, coupled with the extensive destruction of essential infrastructure, suggest a deliberate strategy to annihilate a group. The magnitude of such operations, when combined with their systematic and repetitive nature, supports the inference of genocidal intent. For example, the ICTY recognized that the sheer number of victims and the geographic spread of attacks can point to a coordinated plan targeting a group for destruction (ICTY, *Prosecutor v. Krstić*, 2004). Similarly, the ICJ has noted that widespread and orchestrated violence against civilians on a national scale is indicative of intent to destroy a group (ICJ, *Bosnia and Herzegovina v. Serbia*, 2007). By analyzing the patterns, scope, and scale of conduct, courts can connect individual acts to a broader framework of genocide, even in the absence of direct evidence of orders.

- b. **Indiscriminate Use of Force in Urban Warfare:** The use of indiscriminate weapons, such as heavy artillery or airstrikes, in densely populated areas without clear military objectives demonstrates intent to harm civilians disproportionately. This aligns with jurisprudence identifying excessive civilian harm as indicative of genocidal intent (ICTY, *Prosecutor v. Kupreškić*, 2000; ICJ, *The Gambia v. Myanmar*, 2022).
- c. **Denial of Humanitarian Access:** Preventing humanitarian aid from reaching affected populations, or attacking humanitarian workers, demonstrates an intent to exacerbate conditions of destruction for the group (ICJ, *Bosnia and Herzegovina v. Serbia*, 2007; ICTR, *Prosecutor v. Akayesu*, 1998).
- d. **Attack of Protected Zones:** The targeting of civilians in declared safe zones or no-fire zones constitutes a blatant violation of international humanitarian law and strengthens the inference of genocidal intent (ICTY, *Prosecutor v. Blagojević and Jokić*, 2005; ICJ, *The Gambia v. Myanmar*, 2022).
- e. **Targeting of Vulnerable Monoethnic Populations:** Deliberate violence against children, women, and other vulnerable members of one ethnic group underscores intent to weaken the group's social and generational continuity. This targeting is a hallmark of genocidal actions (ICTY, *Prosecutor v. Akayesu*, 1998; ICTY, *Prosecutor v. Blagojević and Jokić*, 2005).
- f. **Destruction of Life-Sustaining Conditions:** Deliberate actions aimed at depriving a group of survival necessities—such as food, water, and medical care—constitute genocide under Article II(c) of the Genocide Convention. Courts have underscored that creating conditions calculated to destroy a group physically is a key indicator of intent (ICTY, *Prosecutor v. Akayesu*, 1998; ICJ, *Croatia v. Serbia*, 2015).

The Yugoslav Commission (1994) and “Total Leadership”

125. When determining genocidal intent, courts must evaluate whether "all of the evidence, taken together, demonstrate[s] a genocidal mental state." As Judge Trindade observed in *Croatia v. Serbia*, an “onslaught of civilians” constitutes more than a series of common crimes; rather, it represents a “plurality of atrocities” whose extreme violence and devastation reveal an intent to destroy. The focus must be on whether acts such as starvation, torture, killing, forced displacement, and extermination, considered collectively, form a discernible pattern indicative of genocidal intent. This holistic framework ensures that genocide is recognized and addressed effectively in conditions of war.

126. In Sri Lanka between 2006-2010, the coordinated displacement of Tamil civilians into NFZs under false pretenses, followed by sustained attacks using wide-effect munitions, denial of humanitarian aid, and destruction of essential infrastructure, must be viewed holistically to assess genocidal intent. Analyzing these acts collectively-rather than in isolation-reveals a pattern of conduct grounded in group targeting, and aimed at systematically destroying the Tamil ethnic group through the “gas chamber” effect described in Section 2.
127. At the tail end of the Bosnian civil war, the UN Yugoslav Commission's 1994 (“Yugoslav Commission”) found that the lethal targeting of a protected group’s “total leadership” risks destroying the “fabric of society” and is evidence of genocidal intent. In the general context of national liberation movements, the political and intellectual leadership represents those individuals who provide strategic vision, theoretical frameworks, and diplomatic sophistication to a collective struggle. For the LTTE specifically, this class comprised the negotiators and political theorists who advanced the Tamil nationalist narrative through the Norwegian-mediated peace process and Cease Fire Agreement (CFA), positioning the armed struggle to enter a peace process whose objective was negotiated political settlement of the ethnic conflict. The systematic elimination of LTTE senior leadership by Sri Lankan state actors during Stage 3 Extermination represented a targeted destruction of the Tamil movement's intellectual infrastructure, effectively removing those most capable of articulating a political resolution.
128. The Yugoslav Commission analysis of the Bosnian conflict explicitly recognized this pattern of group targeting as indicative of genocidal intent. , The Yugoslav Commission identified the elimination of Bosniak intellectual and professional classes as a deliberate genocidal strategy aimed at preventing community reconstruction. These systematic eliminations go beyond traditional war crimes or crimes against humanity, demonstrating a specific intent to destroy the group's fundamental social infrastructure, thereby preventing its future existence as a distinct cultural and social entity.
129. Paragraph 94 of the Yugoslav Commission refers to destroying the “total leadership” – i.e. intellectual and professional class – of an ethnic group is evidence of intent to destroy the ethnic group in whole or in part, by destroying the “fabric of society” of that ethnic group:
- a. “If essentially the total leadership of a group is targeted, it could also amount to genocide. Such leadership includes political and administrative leaders, religious leaders, academics and intellectuals, business leaders and others - the totality per se may be a strong indication of genocide regardless of the actual numbers killed. A corroborating argument will be the fate of the rest of the group. The character of the attack on the leadership must be viewed in the context of the fate or what happened to the rest of the group. If a group has its leadership exterminated, and at the same time or in the wake of that, has a relatively large number of the members of the group killed or subjected to other heinous acts, for example deported on a large scale or forced to flee, the cluster of violations ought to be considered in its entirety in order to interpret the provisions of the Convention in a spirit consistent with its purpose. Similarly, the extermination of a group’s law enforcement and military personnel may be a significant section of a group in that it renders the group at large defenceless against other abuses of a similar or other nature, particularly if the leadership is being eliminated as well. Thus, the intent to destroy the fabric of a society through the extermination of its leadership, when accompanied by other acts of elimination of a segment of society, can also be deemed genocide.” (emphasis added)
130. In the context of the four years between May 2006-May 2009, Sri Lanka’s justifications for a coordinated plan to militarily destroy the LTTE’s ‘total leadership’ on the basis of the IHL layer or terrorism layer do not suspend the genocide layer in the applicable legal framework.

Section 7: International Response Failure – 2002-2009

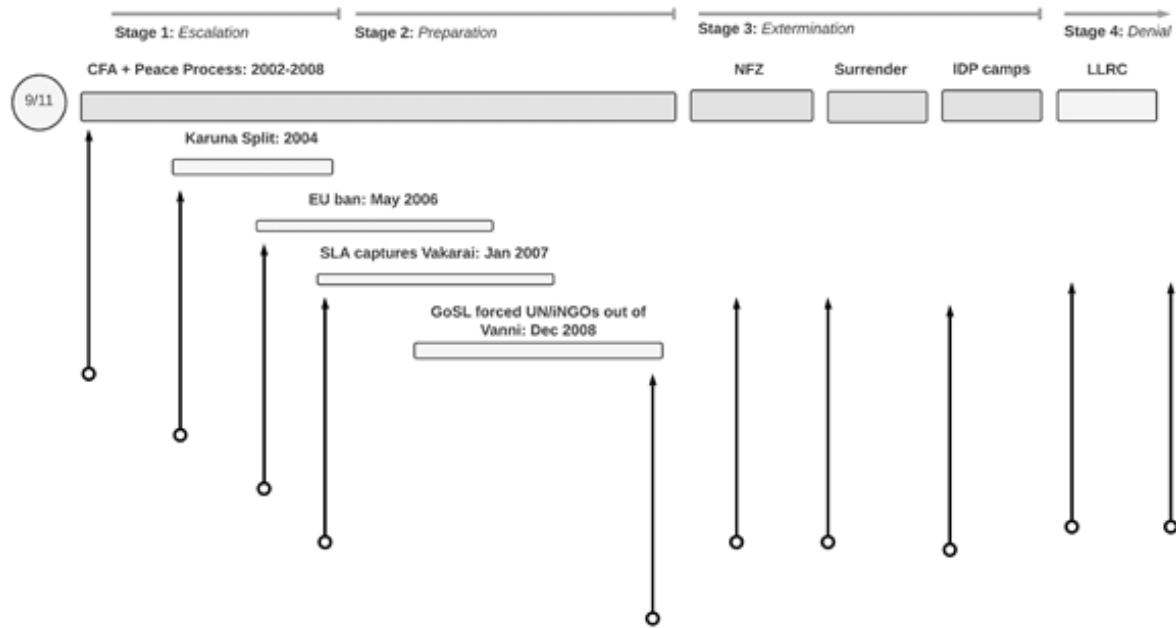


Diagram 18: This illustration shows ten moments in which the UN could have intervened to protect the peace process or prevent military conflict escalation. Sri Lanka utilized UN non-intervention to continue the pattern of military escalation from 2002-2009.

131. In conflicts marked by prolonged, protracted patterns of ethnic violence, such as the Sri Lankan civil war, a State can strategically exploit international response failures to escalate military operations with impunity or even genocidal intent. Between 2002 and 2009, Sri Lanka exploited the UN's hands-off approach to the peace process and post-9/11 armed conflict. In particular, the UN's policy of non-intervention in Sri Lanka between 2002-2009 created a critical vulnerability in the protection of Tamil civilians vis-a-vis the Genocide Convention. Sri Lanka exploited this vulnerability. The UN's policy of consistent non-intervention became a green light for escalating military operations in the Vanni Region. This dynamic created a vicious feedback loop: the more aggressive the Sri Lankan military's actions, the more passive the UN's response.
132. The extent of UN inaction between 2002 and 2009 included:
 - a. Failure to intervene during six critical moments;
 - b. No direct oversight of the Tamil surrender processes on May 18, 2009 into SLA custody;
 - c. No direct oversight or on-the-ground monitoring of SLA treatment of Tamils in IDP camps during resettlement;
 - d. No in-country investigations since May 18, 2009
133. **Critical Moment #1: February 2002 - CFA-Backed Peace Process:** The Ceasefire Agreement (CFA) signed in February 2002 represented a pivotal moment of hope for Sri Lanka's protracted ethnic conflict. However, this promise was fundamentally compromised by a critical structural weakness: the absence of robust international oversight. While the agreement established the Sri Lanka Monitoring Mission (SLMM), it was left critically under-resourced, with Norway bearing the entire burden of mediation without substantial international support. This stands in stark contrast to successful international peace interventions in comparable global contexts.

- a. Historical Analogies:
 - i. El Salvador (1992): The UN Observer Mission in El Salvador (ONUSAL) monitored ceasefire compliance and provided critical support to peace negotiations between the government and FMLN, ensuring international oversight and credibility.
 - ii. Kosovo (1999): The UN established the United Nations Interim Administration Mission in Kosovo (UNMIK) to stabilize the region, mediate peace efforts, and oversee civilian governance in the aftermath of conflict.
 - iii. South Sudan (2011): The UN Mission in South Sudan (UNMISS) was deployed to support the implementation of the peace agreement, facilitate state-building, and protect civilians during the fragile post-independence transition.
- b. Potential UN Intervention: In Sri Lanka, the UN could have provided logistical and financial resources to strengthen the SLMM, ensuring independent and impartial monitoring of CFA breaches. A UN-backed mission could have reinforced Norway's mediation efforts, bolstered confidence in the peace process, and deterred violations. Additionally, the UN could have deployed a small political mission, as seen in Kosovo and South Sudan, to support the CFA's implementation and act as a neutral party to promote compliance. This intervention could have prevented the early erosion of trust and accountability that contributed to the eventual collapse of the peace process.

134. **Critical Moment #2 – April 2004 – Karuna Split:** The 2004 defection of the Karuna faction from the LTTE destabilized the balance of power established under the CFA and escalated hostilities. The UN failed to intervene to mediate or restore balance, leaving the peace process vulnerable to collapse.

- a. Historical Analogies:
 - i. Angola (1990s): The UN Verification Missions (UNAVEM) mediated internal splits within UNITA, stabilizing the peace process and deterring escalations stemming from factional conflicts.
 - ii. Sierra Leone (1999): The UN Mission in Sierra Leone (UNAMSIL) helped address factional divisions and supported the implementation of the Lomé Peace Agreement to reduce the risk of renewed hostilities.
 - iii. Nepal (2006): The UN Mission in Nepal (UNMIN) facilitated the management of factional tensions during the Maoist insurgency and supported the disarmament and reintegration of splinter groups.
- b. Potential UN Intervention: The UN could have mediated between the Karuna faction and the LTTE to de-escalate tensions and uphold the CFA. It could have bolstered the SLMM with resources and personnel to address breaches and deter paramilitary activity. Establishing a UN-led investigative mechanism to monitor and address CFA violations would have provided transparency and accountability, mitigating the effects of Sri Lanka's exploitation of the split.

135. **Critical Moment #3 - December 2004 - Boxing Day Tsunami:** The 2004 tsunami created a shared humanitarian crisis, providing an opportunity for post-Karuna Split intervention on

humanitarian grounds. The UN failed to leverage its extensive humanitarian operations to strengthen the CFA or reinforce the peace process.

a. Historical Analogies:

- i. Aceh, Indonesia (2004): Following the tsunami, the UN and international actors supported the Helsinki peace process between the Indonesian government and the Free Aceh Movement, facilitating reconstruction while preventing a resurgence of conflict.
- ii. Pakistan (2005): After the Kashmir earthquake, UN humanitarian interventions included conflict-sensitive approaches that indirectly supported peacebuilding efforts between India and Pakistan.

b. Potential UN Intervention: The UN could have reinforced the SLMM by integrating monitoring into its humanitarian operations and used its presence to encourage cooperation between the Sri Lankan government and the LTTE. Coordinating post-tsunami reconstruction under the CFA framework could have fostered trust between the parties and emphasized the shared goal of rebuilding, reducing tensions, and preserving the peace process.

136. **Critical Moment #4 - 2006 Vakarai Battle:** During Sri Lanka's military's Eastern Operation, paramilitary activity and extrajudicial killings continued to mount and undermine the CFA. Despite these breaches, the UN failed to support the SLMM or Norway's mediation efforts, allowing Sri Lanka's actions to escalate unchecked.

a. Historical Analogies:

- i. Western Sahara (1991): The UN Mission for the Referendum in Western Sahara (MINURSO) monitored ceasefire agreements and reduced tensions in disputed areas, maintaining stability.
- ii. Rwanda (1993): The UN Assistance Mission for Rwanda (UNAMIR) sought to monitor ceasefires and paramilitary activity under the Arusha Accords, though it faced resource and mandate limitations.
- iii. Burundi (2006): The UN Integrated Office in Burundi (BINUB) facilitated monitoring of ceasefire violations and supported peacebuilding amid factional violence.

b. Potential UN Intervention: The UN could have deployed additional resources to the SLMM, enabling it to monitor paramilitary activity and territorial breaches effectively. A public condemnation of Sri Lanka's violations would have reinforced international support for the CFA. Additionally, the UN could have convened emergency diplomatic meetings to reassert the territorial boundaries established under the CFA in February 2002, curbing the escalation of violence.

137. **Critical Moment #5 - November 2007 - Assassination of Tamilselvan:** The assassination of Tamilselvan, the LTTE's lead peace negotiator, signaled a significant breach of trust in the peace process. The UN did not respond, missing an opportunity to mediate and prevent the further deterioration of negotiations.

a. Historical Analogies:

- i. Burundi (1993): Following the assassination of President Ndadaye, the UN facilitated peace negotiations to de-escalate ethnic violence, though with limited success.
- ii. Colombia (2016): The UN Verification Mission mediated tensions after setbacks in peace talks between the Colombian government and FARC, ensuring the process continued.

- iii. Timor-Leste (2006): The UN Integrated Mission in Timor-Leste (UNMIT) intervened to stabilize the country after political violence disrupted its fragile peace.
 - b. Potential UN Intervention: The UN could have called for immediate de-escalation and convened emergency diplomatic discussions to salvage the peace process. Public condemnation of the assassination as a violation of the CFA, coupled with support for Norway's mediation, would have signaled international commitment to the peace talks and deterred further breaches. Establishing a UN political mission to mediate ongoing negotiations could have reinforced the viability of peace.
138. **Critical Moment #6 - January 2009 - NFZ-1 Declaration by SLA:** In January 2009, the Sri Lankan military declared a No-Fire Zone (NFZ) in the Vanni Region, ostensibly to protect civilians. However, after directing civilians to the zone, the Sri Lankan Armed Forces (SLA) launched attacks on the NFZ, targeting densely populated civilian areas. Despite clear violations of international humanitarian law (IHL) and the worsening humanitarian crisis, the UN failed to intervene to enforce NFZ protections or prevent further escalation.
- a. Historical Analogies:
 - i. Rwanda (1994): The UN Assistance Mission for Rwanda (UNAMIR) created safe zones to shield civilians during the genocide, though its limited mandate and resources constrained its effectiveness.
 - ii. Srebrenica (1995): The UN declared Srebrenica a safe zone during the Bosnian War, but despite its failure to prevent the massacre, its presence likely saved additional lives by providing some civilian protection.
 - iii. South Sudan (2014): The UN Mission in South Sudan (UNMISS) established Protection of Civilians (POC) sites during violent conflict, providing refuge for displaced populations and mitigating civilian casualties.
 - b. Potential UN Intervention: The UN could have deployed observers to the NFZ to monitor and verify compliance with IHL and enforce civilian protections. Diplomatic pressure, including public condemnations of SLA attacks on the NFZ, could have deterred further violations. The UN could also have convened emergency Security Council discussions to demand accountability and halt indiscriminate military actions. Establishing independent humanitarian corridors would have ensured the delivery of food, medicine, and aid, potentially saving thousands of civilian lives. By intervening, the UN could have upheld its mandate to protect civilians and reinforced international norms against targeting protected zones.
139. In addition to these six Critical Moments, the UN could have also intervened to oversee the April-May 2009 surrender phase as Tamils flowed from NFZ-3 to SLA custody; the treatment of Tamils in IDP camps; and the establishment of the LLRC as a transitional justice mechanism by the same Rajapakse administration that killed thousands of Tamils in the NFZs. The UN did not intervene, however. The UN policy of non-intervention between 2002-2009 in Sri Lanka, as the peace process descended into war, removed political, legal, and policy constraints on Sri Lankan conduct, which allowed the Rajapakse administration to seamlessly carry out the 4-Stage Legal Model for Tamil genocide, in the fog of war and counterterrorism, from Stage 1: Escalation to Stage 2: Preparation to Stage 3: Extermination to Stage 4: Denial.

Justice for Genocide: Sri Lanka's Responsibility for Genocide against the Tamil People in 2009 - Executive Summary by PEARL

The 26-year-long war in Sri Lanka ended on May 18, 2009, when Sri Lankan forces defeated the Liberation Tigers of Tamil Eelam (LTTE). The LTTE had launched an armed liberation struggle to establish the separate state of Tamil Eelam in the Tamil homeland in the northern and eastern parts (North-East) of the island. While two United Nations investigations on Sri Lanka found that Sri Lankan forces and the LTTE committed war crimes and crimes against humanity, the UN has been silent on genocide allegations.

The number of Tamil people unaccounted for and presumed dead during the final five months of the war ranged from 40,000 to 169,796, and most civilian casualties were caused by government shelling. The war ended in Mullivaikkal, a village in the Vanni region in the North-East. These final months are known as the "Mullivaikkal Genocide."

This legal briefing paper proves that Sri Lanka is responsible for genocide against the Tamil people during the final stages of the war in 2009. Specifically, it explains how Sri Lanka is responsible for three of the five genocidal acts enumerated in the Genocide Convention—killing, causing serious harm, and deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in part—committed with genocidal intent, which is the intent to destroy, in part, the Tamil people, as such. The targeted "part" were the Tamils in the Vanni.

PEARL uses evidence and findings from two UN investigations on Sri Lanka, international NGOs, and international media, and it makes legal conclusions based on "reasonable grounds," the standard that UN human rights investigations have used to determine genocide in other contexts⁵.

The Mullivaikkal Genocide

At the LTTE's peak in the early 2000s, it controlled 76% of Sri Lanka's North-East, creating the de facto state of Tamil Eelam, whose capital was in Kilinochchi in the Vanni. Meanwhile, the Sri Lankan government still sought to defeat the LTTE, dismantle its de facto state, and recreate a unitary state on the island. The LTTE's territory shrank as Sri Lanka took control, until only the Vanni remained under LTTE control. In September 2008, Sri Lanka launched its final military offensive to capture the Vanni.

According to the UN, about 300,000 Tamil civilians were trapped in the Vanni war zone as of early 2009. During the final months of the war, the Sri Lankan government and/or its forces engaged in the following conduct constituting one or more genocidal acts:

5. Justice for Genocide: Sri Lanka's Responsibility for Genocide against the Tamil People in 2009 <https://pearlaction.org/wp-content/uploads/2024/09/Justice-for-Genocide-Sri-Lankas-Responsibility-for-Genocide-Against-the-Tamil-People-in-2009.pdf>

Conduct	Genocidal act(s)
Deliberately shelling government-designated “No Fire Zones,” killing at least 40,000 Tamil civilians (and averaging 1,000 Tamil civilians killed each day in the final two weeks) and severely injuring another 25,000 to 30,000 Tamils	<ul style="list-style-type: none"> • Killing • Causing serious bodily or mental harm
Deliberately shelling hospitals, food distribution lines, and other humanitarian objects	<ul style="list-style-type: none"> • Killing • Deliberately inflicting conditions of life calculated to bring about the Tamil people’s partial physical destruction
Raping and sexually mutilating “a large number” (at least hundreds) of Tamil women and girls, an underestimate because survivors “greatly under-reported” experiencing sexual violence	<ul style="list-style-type: none"> • Causing serious bodily or mental harm
Physically and sexually torturing countless Tamil men and women detainees	<ul style="list-style-type: none"> • Causing serious bodily or mental harm
Deliberately restricting access to necessary food and medical supplies	<ul style="list-style-type: none"> • Killing • Causing serious bodily or mental harm • Deliberately inflicting conditions of life calculated to bring about the Tamil people’s partial physical destruction
Creating inhumane conditions for internally displaced Tamils	<ul style="list-style-type: none"> • Deliberately inflicting conditions of life calculated to bring about the Tamil people’s partial physical destruction

As de jure state organs, the conduct of the Sri Lankan government and the Sri Lankan military is attributable to the state of Sri Lanka. In situations where state organs committed genocidal acts, it is possible to assess whether a state is responsible for genocide without determining individual responsibility for genocide. The UN Fact-Finding Mission on Myanmar did so by considering the presence of factors in international criminal jurisprudence allowing the inference that genocidal acts were committed with genocidal intent.

Such factors allowing the inference of genocidal intent may take the form of circumstantial evidence, which was used in judgments by the International Criminal Tribunal for Rwanda, the International Criminal Tribunal for the former Yugoslavia, and the International Court of Justice.

Sri Lanka’s genocidal intent driving its conduct and violence against Tamils in the Vanni can be inferred from the following:

Circumstantial evidence in international jurisprudence allowing the inference of each element of genocidal intent	Element of genocidal intent
<ul style="list-style-type: none"> • Deployment of a disproportionate number of soldiers and special forces (at least 14 times as many as LTTE “core fighters” and with disproportionate capabilities) in the Vanni • Consistent, methodical conduct against Tamils in the Vanni • Deliberately disproportionate attacks that indiscriminately killed Tamil civilians in the Vanni, knowing the vast majority of Tamils therein were civilians who did not pose a serious military threat • Purposeful conflation and reframing of Tamil civilians in the Vanni as LTTE combatants, knowing the vast majority of Tamils therein were civilians who did not pose a serious military threat 	Intent to destroy
<ul style="list-style-type: none"> • Large relative number and proportion of Tamils in the Vanni relative to the total number of Tamils in Sri Lanka • Prominence of Tamils in the Vanni among the Tamil people, including their strategic importance and the presence of Tamil Eelam’s leadership (that is, the LTTE’s leadership) among them • Existence of an opportunity to commit genocide-under the cover of the escalating internal armed conflict, counterinsurgency, and the global “war on terror”-that the Sri Lankan military took, killing at least 13% and presumably up to 57% of the targeted part (the Tamils in the Vanni) 	In part (or in substantial part)

Circumstantial evidence in international jurisprudence allowing the inference of each element of genocidal intent	Element of genocidal intent
<ul style="list-style-type: none"> • The Tamil people share a common language and culture and are thus an “ethnic group” protected by the Genocide Convention • Large-scale, widespread, systematic, heavy, indiscriminate, and constant shelling of civilians and humanitarian objects in three “No Fire Zones,” each one smaller and with a denser concentration of civilians than the last • Deliberate underestimates of the number of civilians for the purpose of limiting how much food, surgical, and other medical supplies could enter the war zone • At least 40,000 civilians killed • Humanitarian crisis for 284,000 internally displaced Tamils, effectively detained in military-guarded and -run camps in extremely overcrowded, unsafe conditions without sufficient access to food, water, sanitation, or shelter 	<p>A protected group, as such (that is, the victims were chosen by reason of their membership in the group whose destruction was sought)</p>

Ongoing Postwar Human Rights Violations and Persecution

Domestic inaction-coupled with unsuccessful international legal efforts, including the absence of a special court-has enabled alleged Sri Lankan perpetrators of international crimes to enjoy impunity. That impunity has emboldened Sri Lankan forces to continue perpetrating human rights violations against Tamils in the North-East-including arbitrary arrests and detention, enforced disappearances, torture, sexual violence, and repression of the right to memorialize- and to surveil, harass, and intimidate Tamils, including survivors of the genocide. In addition, persisting militarization in the North-East has perpetuated land grabs and displacement.

Because Sri Lanka has committed these violations against Tamils based on their Tamil ethnicity, each violation amounts to persecution.

Recommendations

Genocide recognition is an important way of publicly acknowledging the extraordinary harm suffered by victims, survivors, and their descendants and an important measure of accountability in its own right. It is especially crucial given Sri Lanka’s ongoing human rights violations and persecution of Tamils, and the role that genocide denial by perpetrator states plays in intergenerational trauma and injustice.

Policymakers can make and have made genocide determinations based on standards of proof lower than those used by international courts. In fact, policymakers in Canada, France, Italy, New Zealand, the United

Kingdom, and the United States have already recognized the genocide against the Tamil people in 2009. On behalf of the hundreds of thousands of Tamil victims and survivors of 2009, governments and UN entities should advance responsibility and justice for Sri Lanka's genocide.

The appropriate branches and levels of governments should:

- Carry out genocide determinations.
- Take action to hold Sri Lanka formally responsible for genocidal acts, such as torture, under relevant international treaties, which may involve bringing a claim to the International Court of Justice.
- Introduce and/or support resolutions and make public statements, including on social media, that:
 - o Recognize that Sri Lanka is responsible for genocide against the Tamil people in 2009, and
 - o Call for the establishment of an international criminal justice mechanism to investigate alleged Sri Lankan perpetrators of international crimes, including genocide, and prosecute those most responsible.
- Introduce and/or support bills requesting a genocide determination from the executive branch, including an explanation of the decision.

UN entities, namely the Office of the High Commissioner for Human Rights (OHCHR) and its Sri Lanka Accountability Project (OSLap), should:

- Expressly consider genocide allegations in its analyses of evidence, noting that UN human rights investigations have considered and concluded the occurrence of genocide based on "reasonable grounds," including without determining individual responsibility for genocide.
- Urge the UN General Assembly and/or UN Security Council to establish an international criminal justice mechanism to investigate alleged Sri Lankan perpetrators of international crimes, including genocide, and prosecute those most responsible.



118TH CONGRESS 2nd Session H. RES. 1230

Recognizing the hundreds of thousands of lives lost during Sri Lanka's almost 30-year armed conflict, which ended 15 years ago on May 18, 2009, and ensuring non-recurrence of past violence, including the Tamil Genocide, by supporting the right to self-determination of Eelam Tamil people and their call for an independence referendum for a lasting peaceful resolution.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2024

Mr. NICKEL (for himself, Ms. WILD, Mr. DAVIS of Illinois, Ms. MALLIOTAKIS, Mr. CAREY, Mr. DAVIS of North Carolina, Ms. LEE of Pennsylvania, and Mr. JACKSON of North Carolina) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Recognizing the hundreds of thousands of lives lost during Sri Lanka's almost 30-year armed conflict, which ended 15 years ago on May 18, 2009, and ensuring non-recurrence of past violence, including the Tamil Genocide, by supporting the right to self-determination of Eelam Tamil people and their call for an independence referendum for a lasting peaceful resolution.

Whereas May 18, 2024, marks the 15-year anniversary of the end of the 26-year armed conflict between the Government of Sri Lanka and various armed Tamil independence organizations;

Whereas the Sinhalese people and the Eelam Tamil people have lived on the island presently known as Sri Lanka for thousands of years and lived in separate and sovereign Sinhalese and Tamil kingdoms, and in 1833, the Sinhalese and the Tamil territories were merged under a single unitary administration by the British;

Whereas all major Tamil political parties united under the Tamil United Liberation Front and adopted the Vaddukoddai Resolution on May 14, 1976, asserting the right to self-determination of the Tamil nation and calling for the restoration and reconstitution of an independent, free, sovereign, secular Tamil Eelam as the solution to the Tamils, and in the subsequent election which the Tamils treated as a model referendum, the Tamil people gave their overwhelming electoral mandate for the independent, free, sovereign Tamil Eelam;

Whereas the 6th amendment to Sri Lanka's constitution, introduced in 1983, was targeted towards the Eelam Tamil people to limit their ability to advocate for their independence, and to criminalize such activity, thus the amendment infringes on the Tamils' freedom of expression which is guaranteed by the Universal Declaration of Human Rights;

Whereas, subsequent to the persistent calls by the international community to resolve the ethnic conflict, Sri Lanka, without any consultations with the Eelam Tamils, unilaterally introduced the 13th amendment to the constitution in 1987, which claimed to be a solution to the conflict but which was rejected by the Eelam Tamil political leaders as not meeting the aspirations of their people, and their homeland still remains as non-self-governing territory;

Whereas Richard Boucher, then-Assistant Secretary of State for South and Central Asian Affairs, acknowledged during a visit to wartime Sri Lanka on June 1, 2006, that “There are legitimate issues that are raised by the Tamil community, and they have a very legitimate desire, as anybody would, to be able to control their own lives, to rule their own destinies and to govern themselves in their homeland; in the areas they’ve traditionally inhabited.”;

Whereas, in a joint statement by the United Nations Secretary General and the President of Sri Lanka following the Secretary General’s visit to Sri Lanka in May 2009, Sri Lanka gave assurance to find a lasting political solution addressing the aspirations and grievances of all communities and to an accountability process for addressing violations of international humanitarian and human rights law;

Whereas the United States cosponsored the United Nations Human Rights Council Resolution, HRC 51/L.1 (2022), which emphasizes the importance of elections and referendums to strengthen the democratic process, calls upon the Government of Sri Lanka to fulfill its commitments to the devolution of political authority, and extends and reinforces the capacity of the Office of the High Commissioner for Human Rights to collect, consolidate, analyze, and preserve information and evidence, and to develop possible strategies for future accountability processes;

Whereas the January 2021 report from the United Nations High Commissioner for Human Rights warns that “Sri Lanka’s current trajectory sets the scene for the recurrence of the policies and practices that gave rise to grave human rights violations” and “Given the demonstrated inability and unwillingness of the Government to advance accountability at the national level, it is time for international action”;

Whereas, 15 years after the end of the war, the traditional homeland of the Eelam Tamils remains heavily militarized by Sri Lanka, while Sri Lanka engages in land appropriation in Tamil territory and the destruction of Tamils’ heritage sites and war cemeteries, the root cause of the ethnic war has so far not been resolved, and Sri Lanka, despite numerous commitments, has not made enough progress toward accountability, justice, and political solution, nor has it taken sufficient measures to guarantee the nonrecurrence of the past patterns of violations against the Eelam Tamil people; and

Whereas similar conflicts have successfully been democratically, peacefully, and legally resolved by exercising the right to self-determination by the people in countries such as South Sudan, Montenegro, East Timor, Bosnia, Eritrea, and Kosovo via independence referendums with support from the United States and other countries: Now, therefore, be it

Resolved, That the House of Representatives-

(1) urges the United States to strengthen diplomatic channels with the Eelam Tamils and collaborate toward peace and stability in the South Asian region of the Indo-Pacific;

(2) urges the United States and the international community to advocate for and protect the political rights of the Eelam Tamil people and work toward a permanent political solution based on their right to self-determination that is democratically and peacefully approved by them through a universally accepted process of independence referendum; and

(3) recognizes the genocide against the Eelam Tamil people by Sri Lanka.

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Tamil Genocide Remembrance Day - Unanimous motion on May 18, 2022, at the Canadian Parliament

Canadian Parliament - Hansard No. 074

Mr. Gary Anandasangaree (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.):

Mr. Speaker, there have been discussions among the parties, and if you seek it I trust that you will find unanimous consent for the following motion:

That this House acknowledge the genocide of Tamils in Sri Lanka and recognize May 18 of each year as Tamil Genocide Remembrance Day.

The Deputy Speaker:

All those opposed to the hon. member's moving the motion will please say nay.

Hearing no dissenting voice, it is agreed.

The House has heard the terms of the motion. All those opposed to the motion will please say nay.

1ST SESSION, 42ND LEGISLATURE, ONTARIO

70 ELIZABETH II, 2021

Bill 104

(Chapter 11 of the Statutes of Ontario, 2021)

An Act to Proclaim Tamil Genocide Education Week

Mr. V. Thanigasalam

1st Reading April 30, 2019

2nd Reading May 16, 2019

3rd Reading May 6, 2021

Royal Assent May 12, 2021

EXPLANATORY NOTE

This Explanatory Note was written as a reader's aid to Bill 104 and does not form part of the law.

Bill 104 has been enacted as Chapter 11 of the Statutes of Ontario, 2021.

The Bill proclaims the seven-day period in each year ending on May 18 as Tamil Genocide Education Week.

An Act to Proclaim Tamil Genocide Education Week

Preamble

The Tamil community in Ontario is one of the largest concentrations of Tamils outside southeast Asia. It stretches across the province but the highest concentration is in the Greater Toronto Area. Tamil-Ontarians play an important role in the social, economic and political fabric of the province.

Tamil-Ontarians have families still suffering in their homeland in the north and east of the island of Sri Lanka. They have lost their loved ones and have been physically or mentally traumatized by the genocide that the Sri Lankan state perpetrated against the Tamils during the civil war which lasted from 1983 to 2009, and especially so in May of 2009. Genocide is the deliberate and organized killing of a group or groups of people, with the intention of destroying their identity as an ethnic, cultural or religious group. Acts of genocide against the Tamils started in 1948 after Sri Lanka gained its independence and were perpetrated through Sinhala-Buddhist centric government policies, pogroms, land grabs and ethnic cleansing. The United Nations Organization estimates that in May 2009 alone about 40,000 to 75,000 Tamil civilians were killed. Other estimates place the death toll at 146,679 civilians. These figures only reflect the death toll in 2009 leading up to May 18, the day on which the civil war ended. The loss of Tamil civilian lives during the genocide, which continued for decades in Sri Lanka, is much higher.

In addition, the Sri Lankan state has systematically disenfranchised the Tamil population of their right to vote and to maintain their language, religion and culture. For example, the Sinhala Only Act of 1956 made Sinhalese the official language of Sri Lanka ignoring the 29 percent of the population whose primary language was Tamil, thereby putting them at a serious disadvantage for participating in the public service of Sri Lanka.

It is important for many reasons to acknowledge publicly that the killings and all aspects of the genocide constitute a heinous act. Not only does this acknowledgement honour the lives that were lost, but it gives a sense of hope to those who have suffered since it represents the first step to healing and reconciliation. Most importantly, by recognizing the Tamil genocide, we affirm our collective desire to maintain awareness of this genocide and other genocides that have occurred in world history in order to prevent such crimes against humanity from happening again.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Tamil Genocide Education Week

- (1) The seven-day period in each year ending on May 18 is proclaimed as Tamil Genocide Education Week.

Same

- (2) During that period, all Ontarians are encouraged to educate themselves about, and to maintain their awareness of, the Tamil genocide and other genocides that have occurred in world history.

Commencement

This Act comes into force on the day it receives Royal Assent.

Short title

The short title of this Act is the Tamil Genocide Education Week Act, 2021.

Supported by:

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Tamil Americans United PAC

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FeTNA

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